

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2025/0144
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Responsible Officer:	Kye Miles
Land to be developed (Address):	Lot 6 DP 771621, 1 / 0 Middleton Road CROMER NSW 2099
Proposed Development:	Subdivision of one lot into two
Zoning:	Warringah LEP2011 - Land zoned E4 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Applicant:	The Trustee For Blue OP Partner Trust & Others

Application Lodged:	24/02/2025
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Subdivision only
Notified:	12/03/2025 to 26/03/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	4.1 Minimum subdivision lot size: 60.5%
Recommendation:	Approval

Estimated Cost of Works:	\$ 0.00
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EXECUTIVE SUMMARY

The proposal seeks consent to subdivide an one lot into two (2) lots.

The site is an industrial allotment currently occupied and operated by Ausgrid, and as such, the proposal is considered Crown Development. Following the subdivision, the existing electrical substation would be situated on its own allotment (Lot 1), while the remaining land—surplus to Ausgrid's requirements—would be designated as Lot 2.

The proposed subdivision involves creating an undersized lot (Lot 1 - 1,580m²), constituting a 60.5% variation of the 4,500m² minimum lot size development standard under Clause 4.1 of the Warringah Local Environmental Plan 2011.

As the variation exceeds 10%, the application must be reported to the Northern Beaches Local Planning Panel (NBLPP) for determination, in accordance with the State Government's Local Planning Panel Directions.

The applicant has submitted a Clause 4.6 written request in support of the proposed variation. The applicant's written request is demonstrated that the variation is well-founded and is adequately justified. In this regard, the proposed subdivision promotes the orderly and economic use and development of the land, as the newly created lot will continue to provide for an operational substation and could be re-developed in accordance with the planning controls under the LEP and DCP.

It is noted that the proposed undersized lot is consistent with the size of a significant number of nearby industrial lots in the E4 zone of the Cromer Industrial Area.

The proposal would not give rise to any unreasonable natural environment or amenity impacts, as no physical works are sought under this application.

The proposed development was publicly exhibited and no submissions were received.

The proposal is considered to satisfy the relevant planning controls and is recommended for **approval**, subject to the conditions attached to the recommendation.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development is for the subdivision of one lot into two.

Specifically, the application seeks consent for the subdivision of the existing single allotment (Lot 6 DP 771621) into two Torrens Title lots as follows:

- Lot 1 - 1,580m²
- Lot 2 - 2.68ha

The proposal does not seek consent for any physical works and the existing land use of the proposed lots are to be retained.

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.

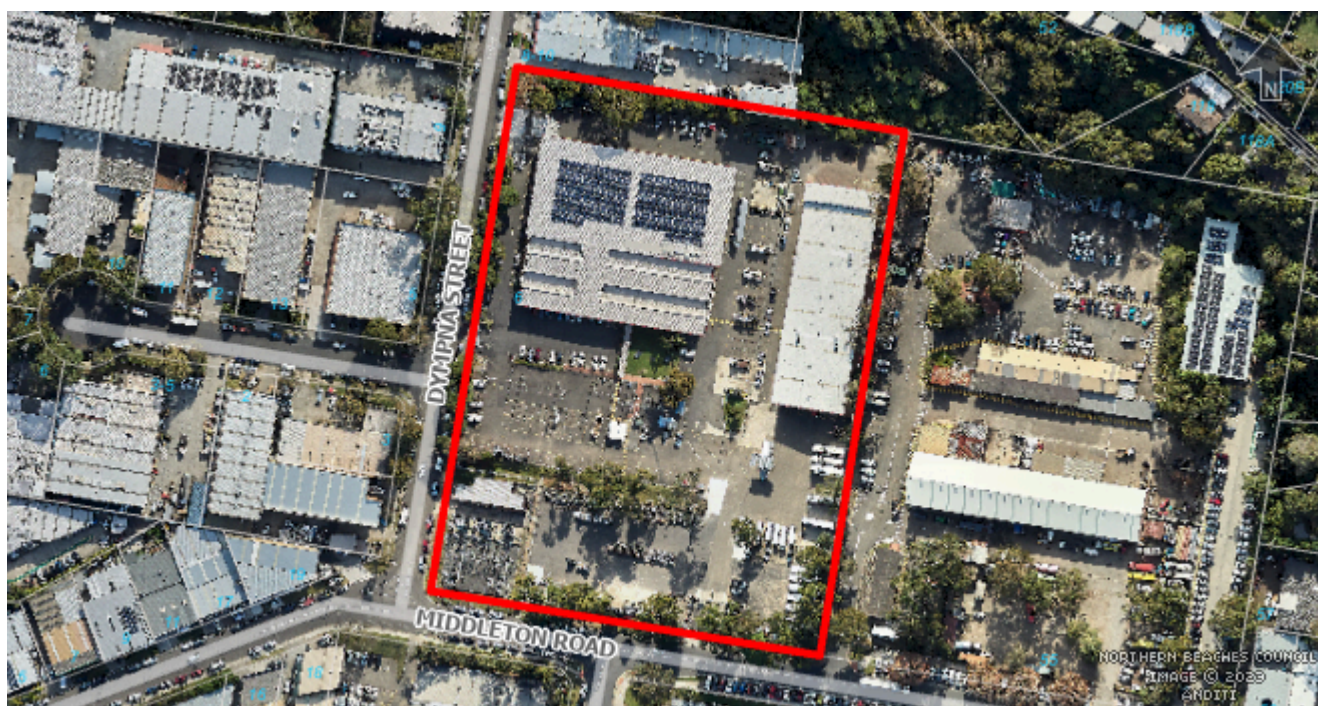
SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 4.1 Minimum subdivision lot size

SITE DESCRIPTION

Property Description:	Lot 6 DP 771621 , 1 / 0 Middleton Road CROMER NSW 2099
Detailed Site Description:	<p>The subject site consists of one (1) allotment located on the northern side of Middleton Road.</p> <p>The site is regular in shape with a frontage of 145m along Middleton Road and a frontage of 194m along Dympna Street. The site has a surveyed area of 2.833ha. The works and use of the site are limited to the eastern 1/3 of the site, with the remaining western portion maintained in the current configuration and use as a current depot of AusGrid. The area which is subject to the use is 6131sqm and has a frontage of 50.2m to Middleton Road.</p> <p>The site is located within the E4 General Industrial zone and accommodates a large warehouse building on the western portion of the site and a smaller sized warehouse building on the eastern portion of the site. Surrounding the warehouses are various carparking areas, storage areas and servicing areas which are currently used by Ausgrid.</p> <p>The site is relatively level with no major topographical features. There are canopy trees scattered throughout the carpark and at the site frontage.</p> <p>Detailed Description of Adjoining/Surrounding Development</p> <p>Adjoining and surrounding development is characterised by varied industrial uses, with the site immediately to the east owned by Northern Beaches Council which is used as a depot for Northern Beaches Council. To the south are two large industrial complexes with varied uses and tenancies throughout. On top of the escarpment to the north of the site are residential dwellings within the R2 Land Zone. These dwellings sit elevated above the subject site.</p>

Map:



SITE HISTORY

The land has been used for industrial purposes for an extended period of time.

A search of Council's records has revealed the following relevant history:

Application **DA2009/0322** for Demolition of an office and amenities building and resealing of surface with bitumen and carparking was approved on 5/06/2009 by Warringah Council.

Application **DA2014/0236** for Demolition works, alterations and additions to existing depot buildings for refurbishment of the existing office, warehouse and carparking was approved by Warringah Council on 6/06/2014.

Application **DA2020/1771** for Use of premises as a transport depot was approved by Northern Beaches Council on 31/05/2021.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under 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	<p>See discussion on “Environmental Planning Instruments” in this report.</p> <p>The NSW employment zones reforms have been made and will come into force on 26 April 2023. These reforms will result in this property changing from a IN1 General Industrial zone to a E4 General Industrial zone. The existing use will remain permissible in the new zone.</p>

Section 4.15 Matters for Consideration	Comments
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	Warringah 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 Assessment Regulation 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</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.</p> <p><u>Clause 69</u> of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been 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 on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development 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 for the development	The site is considered suitable for the proposed development.
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

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 12/03/2025 to 26/03/2025 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 of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments
NECC (Development Engineering)	<p><i>Supported - subject to conditions</i></p> <p>The applicant intends to subdivide the existing property into two lots. The current vehicular crossing in the public road is damaged and needs reconstruction; therefore, a suitable condition for this is recommended. The proposed lot sizes fall below the minimum required for this site, and this will be evaluated by the Council's Town Planner. There are no objections from Development Engineering, provided the recommended conditions are met.</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 (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses.

In this regard, it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is

considered to be suitable for the industrial land use.

Warringah Local Environmental Plan 2011

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

Principal Development Standards

Standard	Requirement	Proposed	% Variation	Complies
Minimum subdivision lot size	Lot 1: 4000m ²	1580m ²	60.5%	No
	Lot 2: 4000m ²	2.68ha	N/A	Yes

Compliance Assessment

Clause	Compliance with Requirements
2.6 Subdivision - consent requirements	Yes
4.1 Minimum subdivision lot size	No (see detail under Clause 4.6 below)
4.6 Exceptions to development standards	Yes

Detailed Assessment

4.6 Exceptions to development standards

The application seeks consent to vary a development standard as follows:

Development Standard: Clause 4.1 Minimum subdivision lot size

Requirement: 4,000m²

Proposed: 1,580m²

Percentage of variation: 60.5%

With reference to Section 35B of the *Environmental Planning and Assessment Regulation 2021*, the development application is accompanied by a document that sets out the grounds on which the Applicant seeks to demonstrate the matters set out in Clause 4.6(3)(a) and (b) of the WLEP 2011 (the 'Clause 4.6 Request').

Subclause (1) of this clause provides that:

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to

*particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Comment:

The objectives of this clause have been considered pursuant to Section 4.15(a)(i) of the *Environmental Planning and Assessment Act 1979*.

Subclause (2) of this clause provides that:

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment:

Clause 4.1 is not expressly excluded from the operation of this clause.

Subclause (3) of this clause provides that:

(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Comment:

Council is satisfied that the Applicant has demonstrated that compliance with Clause 4.1 is unreasonable or unnecessary in the circumstances of this application for the following reasons:

The Applicant's written request seeks to establish that compliance with the development standard is unreasonable or unnecessary, as the proposal adheres to the objectives of the development standard, notwithstanding the non-compliance with the standard. Additionally, the Applicant's written request seeks to demonstrate that the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary.

These are two of five common ways of establishing that compliance with a development standard might be unreasonable and unnecessary as identified in *Wehbe v Pittwater Council [2007] NSWLEC 827*.

First Method - The objectives of the development standard are addressed within the 4.6 request as follows:

- (a) to protect residential character by providing for the subdivision of land that results in lots that are consistent with the pattern, size and configuration of existing lots in the locality,*
- (b) to promote a subdivision pattern that results in lots that are suitable for commercial and industrial development,*
- (c) to protect the integrity of land holding patterns in rural localities against fragmentation,*
- (d) to achieve low intensity of land use in localities of environmental significance,*
- (e) to provide for appropriate bush fire protection measures on land that has an interface to bushland,*

- (f) to protect and enhance existing remnant bushland,*
- (g) to retain and protect existing significant natural landscape features,*
- (h) to manage biodiversity,*
- (i) to provide for appropriate stormwater management and sewer infrastructure.*

Applicant's Response:

The land subject to this variation contains the existing Ausgrid electrical substation. The land:

- is not identified as being of or does not contain any items of ecological significance;*
- can still allow for the Ausgrid electrical substation to function efficiently despite the variation; and*
- will still be efficiently utilised for employment generating uses while being consistent with the E4 General Industrial zone objectives.*

The subdivision of this land will not negatively impact the level of safety for adjoining land or neighbouring properties. While the subdivision will result in proposed Lot 1, which contains the substation, being less than the 4,000m² minimum lot size, it will not undermine the ability of the substation to continue to operate. The proposed variation, although a numerically large deviation from the control is not unreasonable as it will allow for better use of the site.

The proposed seeks consent for paper subdivision only and is consistent with Priority 28 set out in the Northern Beaches Local Strategic Planning Statement. The application does not propose any physical works, nor does it propose to change the site's zoning or current land use, therefore not contributing to fragmenting the industrial land. The statement also notes that Northern Beaches LGA has the lowest amount of Industrial land in Greater Sydney and that demand is growing. The DA for paper subdivision would make more industrial land available by freeing up surplus land (proposed Lot 2) to be utilised in the future and meet the needs of growing demand.

Assessment Officers Comments:

"It is agreed that the Applicant's written request has adequately demonstrated that the proposed development meets the relevant objectives of Clause 4.1. Specifically, the undersized allotment (Lot 1), which contains the Ausgrid electrical substation, will remain operational, while the newly created lot, at 2.68 ha, will exceed the minimum lot size standard and continue to support opportunities for commercial and industrial development.

Second Method - The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

Applicant's Response:

This Minimum Lot Size requirement precludes a significant number of the permitted land uses of the E4 land that would otherwise be delivered. Thus, the relationship between the zoning and Minimum Lot Size control is rigid and does not provide a reasonable degree of flexibility to enable future proposed land uses. As discussed above, the proposed Lot 1 that would contain the substation would continue to operate into the future and the lot size does not impact its ability to operate. The other land that is subject to this variation is surplus to the needs of the existing substation infrastructure and is otherwise consistent with the objectives of the E4 General Industrial Zone.

There would be no merit in strictly applying the Minimum Lot Size controls, and conversely, any proposal which sought to do so would result in the continued underutilisation of land within an E4 zone, and reduction in delivery of employment opportunities to the local area.

Assessment Officers Comments:

The arguments presented by the Applicant are generally supported, given the unique circumstances of the site. As such, a strict application of the minimum lot size development standard would not offer any practical benefit to Lot 1 in relation to the ongoing operation of the Ausgrid electrical substation.

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

Assessment Officers Comments:

In the matter of *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ provides the following guidance (para 23) to inform the consent authority's finding that the Applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard:

'As to the second matter required by cl 4.6(3)(b), the grounds relied on by the applicant in the written request under cl 4.6 must be "environmental planning grounds" by their nature: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [26]. *The adjectival phrase "environmental planning" is not defined, but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.'*

The Clause 4.6 Request argues, in part:

Ground 1: The variation responds to the site zoning and reflects the highest and best use of the land.

- The variation provides for a more appropriate use of the site, which is currently underutilised. The current control does not allow for a reasonable level of flexibility for other development that is permitted with consent on the land and results in a rigid relationship between the two controls. The proposed subdivided lots would still be able to cater for the E4 land zone objectives, as proposed Lot 2 would exceed the minimum lot size standard (at 2.68 ha) and Lot 1, which contains the substation, would continue to function on the required operational land.*

Ground 2: The variation will result in a subdivision outcome that is consistent with the surrounding area, the objectives of other controls applying to the site and previous approvals.

- The proposed paper will does not seek consent for any physical works. No works or development is proposed and there will be no changes to the site and its current state.*
- The proposed subdivided lots will remain consistent with the surrounding area and neighbouring sites, being regular in shape and with appropriate access and serviced maintained.*

Ground 3: The variation does not result in any additional impacts

- The DA seeks consent for paper subdivision only, with no physical works proposed. Therefore, the variation will not result in any amenity issues or have any impact on the site beyond its existing operation.*

Assessment Officers Comments:

The proposed subdivision promotes the orderly and economic use and development of the land. Currently, there are limitations regarding the use, operation, and ownership of the subject site. The subdivision would excise land that is surplus to Ausgrid's requirements, allowing a reasonable level of flexibility for other development (permitted with consent and able to comply with the planning controls under the LEP and DCP) on the newly created Lot 2, without undermining the operation of the existing substation. Additionally, the proposal involves no physical works and will not result in any additional impacts.

Council is satisfied that the Applicant has demonstrated that there are sufficient environmental planning grounds to justify the contravention of Clause 4.1 Minimum subdivision lot size for the following reasons:

The proposed development is an orderly and economic use and development of the land, thereby satisfying objects 1.3(c) and (g) of the EPA Act.

Public Interest:

Matters relevant to public interest in respect of the development are considered in the relevant sections of this report as per Section 4.15(1)(e) of the EPA Act.

Conclusion:

Council is satisfied as to the matters set out in Clause 4.6 of the WLEP 2011.

The submitted Clause 4.6 written request in support of the proposed minimum subdivision lot size variation is considered to be well founded having regard to the circumstances of the development.

Warringah Development Control Plan

Built Form Controls

The proposed development seeks consent for a Torrens Title subdivision. No physical works are proposed under this application.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
C1 Subdivision	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly affect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

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;
- Warringah Local Environment Plan;
- Warringah 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

Council is satisfied that the Applicant's written request under Clause 4.6 of the Warringah Local Environmental Plan 2011 seeking to justify variation of the development standard contained within Clause 4.1 Minimum Subdivision Lot Size has adequately addressed and demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- There are sufficient environmental planning grounds to justify the variation.

PLANNING CONCLUSION

The proposal seeks consent for the subdivision of one lot (Lot 6, DP 771621) into two (2) Torrens Title

lots.

The proposed development is considered to result in an appropriate subdivision outcome despite the proposed development standard variation.

The submitted Clause 4.6 variation request is well-founded and adequately demonstrates that the proposal is consistent with the objectives of the minimum lot size standard and provides sufficient environmental planning grounds for the variation. The newly created lot will continue to provide for an operational substation and could be re-developed in accordance with the planning controls under the LEP and DCP.

It is noted that the proposed undersized lot is consistent with the size of a significant number of nearby industrial lots in the E4 zone of the Cromer Industrial Area.

The assessment concludes that the NBLPP should **approve** the application, subject to the conditions contained in the recommendation attached to this report.

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

That Northern Beaches Council, as the consent authority, vary the development standard contained within Clause 4.1 Minimum Subdivision Lot Size, pursuant to Clause 4.6 of the Warringah Local Environmental Plan 2011 because the Applicant's written request has adequately addressed the merits required to be demonstrated by subclause (3) of Clause 4.6.

Accordingly the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority grant Development Consent to DA2025/0144 for Subdivision of one lot into two on land at Lot 6 DP 771621, 1 / 0 Middleton Road, CROMER, subject to the conditions printed below:

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
3	1	Subdivision Plan	Ausgrid	11 February 2025

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

2. Easement Creation

The Applicant is required to establish a drainage easement in favor of the Council, as necessary, in accordance with Section 88B of the Conveyancing Act. This easement must be shown on the final subdivision plan, along with the Section 88B instrument, to ensure that all drainage infrastructure is positioned centrally within the designated drainage easement(s). In this regard, the details of the location of the Council's drainage assets, centrally placed within

the drainage easement, must be submitted to the Council on a copy of the final subdivision plan prepared by a registered Surveyor.

The Applicant shall create an easement for services if required (under the provisions of Section 88B of the Conveyancing Act) on the final plan of subdivision, to accompany the Section 88B instrument to ensure all utility services are located within the appropriate easement(s).

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: Council's Subdivision standards and statutory requirements of the Conveyancing Act 1919.

3. Vehicle Crossings Application

The Applicant is to submit an application with Council for driveway levels to reconstruct two vehicle crossings on Dympna Street in accordance with Northern Beaches Council Standard Drawing Normal Profile in accordance with Section 138 of the Roads Act 1993.

Note, driveways are to be in plain concrete only.

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

A Council approval is to be submitted to the Certifier prior to the issue of the Subdivision Works Certificate.

Reason: To facilitate suitable vehicular access to private property.

4. Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure that utility services have been provided to the newly created lots.

5. Sydney Water Compliance Certification

The Applicant shall submit a Section 73 Compliance Certificate under the Sydney Water Act 1994 issued by Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and fees to be paid. Please make early contact with the coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifier prior to the issue of the Subdivision Certificate.

Reason: To ensure compliance with the statutory requirements of Sydney Water.

6. **Subdivision Certificate Application**

The Applicant shall submit a Subdivision Certificate Application to Council, which is to include a completed Subdivision Certificate form and checklist, a final plan of subdivision prepared in accordance with the requirements of the Conveyancing Act 1919, the final plan of subdivision and all relevant documents including electronic copies. This documentation is to be submitted to Council prior to the issue of the Subdivision Certificate. All plans of survey are to show connections to at least two Survey Co-ordination Permanent Marks. The fee payable is to be in accordance with Council's fees and charges.

Reason: Statutory requirement of the Conveyancing Act 1919.