

13 March 2023

General Manager
Northern Beaches Council
Administration Centre
Dee Why, NSW 2099

Attention: Phil Lane, Principal Planner

**Application for Modification S4.55(1A) to Condition 77 - DA2020/0432 - Lot 1
DP847020, 9-11 Birdwood Avenue, Collaroy, NSW 2097 - Construction of a Seniors
Housing or Housing for Persons with a Disability and Strata Subdivision**

This application is hereby submitted to the above Consent to modify Condition 77 of DA2020/0432 by way of a modification under Section 4.55(1A) of the EP&A Act 1979.

Condition 77 currently reads:

“77. Public Domain Infrastructure

The applicant is to construct the footpath in accordance with the submitted civil drawings, to Council's satisfaction, prior to the release of any Occupation Certificate.

All necessary permits must be approved prior to the associated works commencing.

Additionally, the identified bus stops must be re-constructed to be DDA complaint. The applicant is to prepare drawings to demonstrate compliance. These drawings are to be submitted to and approved by Council prior to the works being undertaken. The works are to then be undertaken by the applicant, at no cost to Council, to the satisfaction of Council, prior to the release of any Occupation Certificate.

Further, any damages to road reserve shall be reinstated to Council standard. Suitably prepared plans shall be submitted to and approved by Council. All costs associated with the works shall be borne by the applicant.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approval.

Reason: To provide the necessary infrastructure and maintain road reserve to the standards, prior to the tenants occupying the building so as to make safe. (DACTRFPOC2).”

The proposed modification of Condition 77 is based upon advice received from Council's Phillip Devon, Manager, Transport Network, confirming that the current bus stop facilities referred to in Condition 77 are “already currently DA compliant”.

Condition 77 is to be modified as per the amended clause below:

“77. Public Domain Infrastructure

The applicant is to construct the footpath in accordance with the submitted civil drawings, to Council's satisfaction, prior to the release of any Occupation Certificate.

All necessary permits must be approved prior to the associated works commencing.”

The proposed Modification is substantiated and deemed reasonable, having regard to the advice from Council's Manager, Transport Network.

The Modification will result in a development that is “substantially the same” as approved by Council on 9 December 2020.

This application has been made in accordance with Section 4.55(1A) of the EP&A Act 1979 and should be approved by Council.

Should you have any queries, please do not hesitate to call me.

Yours faithfully



DENIS SMITH
Principal