

**VIGOR MASTER**

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3 June 2021

Dear Sir/Madam,

**RE: STATEMENT OF MODIFICATION – 8 LADY PENRHYN DRIVE BEACON HILL – CHANGES TO TORRENS TITLE SUBDIVISION PLAN AND CONDITIONS**

Vigor Master Pty Ltd has been engaged by the property owner to prepare this Statement of Modification in relation to proposed section 4.56 application to modify the approved Torrens Title Subdivision Plan for 1 lot into 2 lots subdivision at 8 Lady Penrhyn Drive, Beacon Hill (Lot 806 DP752038).

Council approved previous boundary adjustment applications Mod2018/0212 on 21 September 2018 and Mod2018/0551 on 22 January 2019. The previous changes including adjusting of a 1.42 metres wide strip of land from lot 1 to lot 2. The changes enable the proposed lot 2 to have the connection by gravity to the sewer pipe on Willandra Road.

The application seeks consent to:

- Further adjust the boundary between proposed lot 1 and lot 2 by deleting the 1.42 metres wide strip of land between the two lots, and
- Substitute approved Torrens Title Subdivision Plan prepared by Duncan John Sim dated February 2010 to new plan prepared by Simon Pak Yan Ho dated 21 May 2021, and
- Change the plan name referred in approved condition 3A(a) from “1729 sub sheet 1 of 1, February 2010 prepared by Duncan John Sim” to “2902 sheet 1 of 1, 21 May 2021 prepared by Simon Pak Yan Ho” and remove the reference to condition 81 from condition 3A(b); and
- Change condition 81 to “Prior to the issue of any **strata** subdivision certificate...”
- Change condition 84 to “...the **Strata** Subdivision Certificate shall not be issued...”

The reason for the application is stated below:

Further consultation has been undertaken with Sydney Water. It is confirmed that the alternative sewer connection by gravity for proposed lot 2 is available on Lady Penrhyn Drive. The connection point is not directly opposite the proposed boundary of lot 2, however it can be done by extending the pipe along Lady Penrhyn Drive and crossing the road to get connected. This new connection

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point will avoid long distance connection to Willandra Road. It will also minimise the maintenance issue and avoid potential neighbourhood dispute.

Condition 3A(b) requires conditions 2, 4, 6, 81, 86 to be satisfied prior to carrying out the one to two lots Torrens Title Subdivision. However, the reason for imposing condition 81 is to prevent the strata subdivision to be carried out before the units are safe to be occupied and ensuring that the units will only be occupied by older people or people with a disability. The applicant is seeking to carry out the Torrens Title Subdivision now since 28 out of 32 units are completed and fully occupied, and there is no risk of creating allotments with substandard areas or using the development for the purpose other than housing for older people or people with a disability (as stated in condition 81). To avoid doubts, it also seeks to change the term of condition 84 by clearly defining the subdivision certificate as "Strata Subdivision Certificate".

Given no physical works are involved in this application, potential environmental impact caused by the proposed application is considered minimal.

Should you have any concerns regarding this application, please do not hesitate to contact me.

Kind Regards,

Ivy Wang  
Project Manager