

**From:** jrppenquiry  
**Sent:** Friday, 6 March 2015 12:27 PM  
**To:** Lisa Foley  
**Subject:** FW: Draft Conditions Stage 2, 23-29 Pacific Parade, Dee Why DA2014/1093

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Dear Lashta and Peter,

We have reviewed the draft conditions of consent associated with the report to the JRPP (Ref 2014/SYE127) (DA2014/1093) and make the following comments with respect to the two Deferred Commencement Conditions:

**Condition 1** – We suggest the wording of this deferred commencement condition is amended to delete the reference to the construction of the inter-allotment drainage line. The inter-allotment drainage will be constructed by the Stage 1 developer, not the Stage 2 developer, who will be granted the proposed easement and will accordingly have access rights to construct the inter-allotment drainage to the required specification of that development. The terms of the easement have already been agreed with Council (we have been informed that the Subdivision Certificate Ref SC2015/0004 has been issued by Council). We suggest this condition is amended to only refer to the creation of the drainage easement –

Creation of Drainage Easement

*"The drainage easement in DA2013/1519 for the connection of drainage of the site to the Council drainage system in Pacific Parade is to be created. The applicant must provide Council with evidence of the creation of the easement in order to activate the consent"*

**Condition 2** – Deferred Commencement Condition 2 conflicts and is inconsistent with Condition 59 of the Stage 1 DA Approval. Condition 59 (in summary) requires the following:

- 1) subdivide 16 Sturdee parade – Lot 1 DP 776401 (the subdivision certificate Ref SC2015/0004 has been issued by Council)
- 2) consolidate the 4 lots fronting Sturdee Parade into one lot; and
- 3) consolidate the 3 lots fronting Pacific Parade into one lot (including a stratum lot, which we note due to the reduced size of the basement carpark in Stage 2 is no longer required)

On this basis we don't believe that Deferred Commencement Condition 2 is necessary or required, given the subdivision and consolidation requirements of Condition 59 in the Stage 1 DA Approval which requires the subdivision and consolidation of the lots to create two new lots. However, if Council wants to re-affirm this, we suggest that deferred commencement Condition 2 remains consistent with the requirements of Condition 59 of the Stage 1 DA Approval and refers only to the consolidation of the allotments encompassed in the Stage 2 DA (to the extent required) as follows:

Registration of Proposed Lot

*"In accordance with consent DA2013/1519, allotments 8 & 9, Section E DP 8270 and the exercised portion of Lot 1 DP 776401 are to be consolidated to create one lot with a site area of approximately 2731 sqm fronting Pacific Parade (with appropriate easements for drainage and garbage truck access).*

*The proposed lot fronting Pacific Parade is to be registered with the NSW Land and Property Information*

*The applicant must provide Council with evidence of the registration of the lot in order to activate the consent."*

We trust that the above amendments are acceptable and seek your confirmation to this effect. In Ross's absence, should you have any questions or queries, please don't hesitate to contact me. We are also happy to meet with you to discuss this prior to the JRPP Meeting if required.

Regards,

**Kate Fleming**  
**Director**



**Town Planners**

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