
From: Ashley Brook <abrook@6ty.com.au>
Sent: Tuesday, 26 May 2026 12:04 PM
To: TPC Enquiry
Subject: PSA-LLP0021 and Permit DA0140/2024 (40768 Tasman Highway, Waverley) – Response to Council's Submission
Attachments: PSA-LLP0021 & DA0140-2024 - Response to Council's Submission.pdf

Good afternoon,

Please find attached a submission on behalf of the applicant in response to Council's submission dated 12 May 2026.

This submission is provided in accordance with the Commission's correspondence of 28 April 2026 and the subsequent invitation for responses from the parties.

Please do not hesitate to contact me if any clarification is required.

Kind regards,
Ashley



Ashley Brook
Planning Consultant
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**Measured form and
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26 May 2026

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Dear Mr Hogan,

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**DRAFT AMENDMENT PSA-LLP0021 AND PERMIT DA0140/2024 –
RESPONSE TO COUNCIL'S SUBMISSION**

The applicant provides the following additional comments in response to the Council's submission dated 12 May 2026, which was made in response to the Commission's directions letter dated 28 April 2026.

The applicant generally agrees with the Council's response, acting as the planning authority, and provides the following additional context in relation to Items 1 and 2.

Item 1 – Pipeline Easement

The applicant understands that dedication of proposed Lot 101 for road reserve widening would not, of itself, extinguish the existing 3-metre-wide pipeline easement. Accordingly, extinguishment or relocation of the existing easement is not required as a consequence of the subdivision.

However, the current easement alignment is not particularly practical from a servicing perspective due to the presence of established vegetation. This is also reflected in the apparent location of existing underground pipe infrastructure extending further into the parent title beyond the easement.

In that context, the applicant intends that an additional easement will be created over proposed Lots 8 and 9 in a more practical servicing location. As outlined in Council's submission, this would provide equivalent rights in a more practical location.

The applicant notes that any such easement arrangement would be implemented through the future subdivision sealing and title registration process, either through creation of easements on the final plan or associated easement documentation, and can appropriately be addressed through that process without requiring any further amendment to the draft planning permit.

Item 2 – Modified Access Arrangement

Following the Commission's directions letter, the applicant prepared an amended proposal plan (Rev. L, Issue 13) to assist in demonstrating a relocated access point associated with Lot 8, while also responding to the Commission's concerns regarding eucalyptus trees adjacent to the proposed Lot 9 access.

The modified arrangement:

- consolidates the access points for Lots 8 and 9 into a single point, comprising a double-width vehicle crossing;
- locates the consolidated access point in a gap between the existing trees; and
- minimises consequential changes to the subdivision layout, which are limited to a realignment of the shared boundary between Lots 8 and 9.

The realigned shared boundary has been defined to ensure that a future driveway associated with Lot 9 can avoid the mapped threatened eastern riparian scrub (SRE) vegetation community and the 40 metre No Build Zone referenced in Council's recommended Part 5 Agreement condition.

The modifications do not affect the basis of the planning or technical assessments associated with the combined application. Further, the effect of Council's response to Item 5, in relation to endorsement of the amended proposal plan, is that the advice from an accredited bushfire practitioner required under Condition 2 will also need to consider the change to the shared boundary between Lots 8 and 9. The applicant agrees with Council's submission in this respect.

The applicant also agrees with Council's position that the modified access arrangement is minor in nature. The applicant further submits that the associated realignment of the shared boundary between Lots 8 and 9 is also minor.

Items 3–5

The applicant agrees with Council's responses to Items 3–5, including:

- removal of the requirement for a Basic Right (BAR) turn facility in Condition 12;
- the amended Part 5 Agreement condition; and
- updating the endorsed proposal plan reference to Rev. L, Issue 13.

Removal of the BAR requirement aligns with the position advanced in the combined application and the position of the Department of State Growth, as outlined in Appendix G of the Traffic Impact Assessment.

Please do not hesitate to contact me if any clarification is required.

Yours faithfully

6ty° Pty Ltd



Ashley Brook
Planning Consultant