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**Sent:** 8/12/2020 4:54:47 PM  
**Subject:** Submission to mod2020/0592 DA2019/1914  
**Attachments:** Objection to DA Modification re dilapidation reports Dec 2020.pdf;

Ms Lashta Haidari

Planner

Please see our attached submission in relation to the proposed alteration of the wording of Clause 23 in the above mentioned proposed modification to the DA.

Regards

Steve Eccleston

Ms Lashta Haidari

8th December 2020

Planner

Northern Beaches Council

PO BOX 82 Manly

NSW 1655

email

**Re Modification No 2020/0592- DA2019/1419**

**Lot 7 DP 1020015 49 Frenchs Forest Rd Frenchs Forest**

**Introduction**

The Executive Committee for Strata Plan 73123 (Building 7 49 Frenchs Forest Rd) wish to lodge the following submission on behalf of all the owners within the Strata Plan. Our concern primarily relates to the shared private roadway as we would expect that individual building owners would have obtained a dilapidation report for their respective buildings as we have done. The private road is shared by all and it would seem logical that only one report be obtained over the road.

**Reasons for objection**

Our concern with the above mentioned modification is the proposed amendment to condition 23 of Development Application DA2019/1419 (DA) which states in part that no dilapidation report on the current condition of the shared roadway and adjoining buildings be undertaken by the building contractor. The removal of this requirement, if permitted, would enable the contractor/developer to argue that any damage caused by the construction of the proposed building could not be proven as there will be no evidence of the condition of the road prior to construction.

Earlier this year, in our submission to the Planning Panel, who were determining the DA for lot 7, we stressed that the situation regarding the proposed construction of the building is quite unusual, as the only direct access to lot 7 is via a narrow private roadway. The roadway is shared Right of Way benefitting all of the owners within Forest Corporate Business Park (FCBP).

As a condition of consent to the DA, Northern Beaches Council (Council) required that a bond be lodged with Council by the developer for any damage that may be caused to that section of Frenchs Forest Rd Road including the gutter crossing and kerbing that gives access and forms the frontage to FCBP. The payment of a bond to ensure there is money available for repairs if required, is standard Local Government practice throughout NSW.

The proposed rewording to condition 23 would remove any protection, which is now available to the FCBP building owners under the current DA conditions. It would ensure that, any damage to the road

or buildings that may be caused during construction of the proposed building, would be paid for by the building contractor as it would be evidenced from a dilapidation report that has been undertaken prior to any activity associated with the construction of the building.

The proposed rewording to condition 23 severely dilutes the protection that is currently available to the building owners for potential damage to the shared road under condition 23 as it now stands. The proposed amendment will deny the owners essentially any security and insurance for potential road damage. Northern Beaches Council (Council) has a far superior protection having obtained a bond as security against any potential road damage.

It must also be recognised that the area /length of the private road is far greater than Council's road and therefore the building owners exposure to risk is significantly greater than the risk to Council .

In our earlier submission to the Planning Panel we attempted to indicate how many additional truck movements will be generated during the building construction. In order to give further weight to our submission opposing this rewording, part of the earlier material relating to the significant number of construction vehicles has been repeated.

The large number of truck movements during both excavation and construction are a major concern and have been estimated being based upon the following calculations.

#### Volume of material to be excavated

Area per basement	1032m <sup>2</sup>
Height of basement	14m
No of basement level	4

Therefore cubic area of material to be excavated is calculated  $1032\text{m}^2 \times 14\text{m} = 14,448\text{m}^3$

Average weight per cubic metre allow 2 tonne

Therefore the total weight of material is calculated  $1448\text{m}^3 \times 2 \text{ tonnes per m}^3 = 28,896 \text{ tonnes}$

#### No of Trucks required for excavation

Assume 20 tonnes per truck

Therefore the no of trucks required is calculated  $28,896 \text{ tonnes} / 20 \text{ tonnes} = 1,445 \text{ trucks}$

Trucks will enter the site empty and leave full therefore there will be two truck movements req'd

Therefore the total number of excavation is calculated by  $1,445 \times 2 = \mathbf{2,890 \text{ truck movements}}$

#### Volume of concrete required for excavation and building

##### Basement area

Area per basement	1,032m <sup>2</sup>
Building area	
Gross Floor Area	1,976m <sup>2</sup>
Total estimated area of concrete	2,008m <sup>2</sup>

The calculation required to assess the amount of concrete required for the entire building is much more complicated in comparison with the basement as is dependant a number of variables which will determine the volume of concrete required. These variables include

Exterior wall finishes.

Basement wall height

Height of windows

Office wall height

Roof construction

Therefore, the calculation of the potential total number of truck movements is a significantly more difficult exercise. However we consider that the number of truck movements into and out of the site would be likely to well exceed the number of truck movements calculated for the demolition. This opinion takes into consideration all of the other building materials, plant and equipment together with the building contractors engaged on the site together with the much longer period for the construction as compared to the demolition phase.

It is further noted that the fully laden weight of a typical concrete truck that would be used on the construction is 20 tonnes.

## Conclusion

We most strongly object to the proposed rewording of condition 23 and request that it not be altered.

We further request that as a condition of consent to Construction Certificate for the proposed Building that a bond of \$50,000 be lodged with the FCBP Building Owners Committee as security for potential damage to road.

Yours sincerely

Steve Eccleston

Chairman

Owners Corporation Committee

Strata Plan 73123

Building 7 49 Frenchs Forest Rd Frenchs Forest.