

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Gareth David, Planner
Date:	26 February 2024
Application Number:	Mod2024/0025
Address:	Lot 113 DP 6937 , 91 Florida Road PALM BEACH NSW 2108
Proposed Modification:	Modification of Development Consent DA2023/0422 granted for Alterations and additions to a dwelling house

Background

The abovementioned development consent was granted by Council on 15 November 2023 for alterations and additions to a dwelling house

Details of Modification Application

Under Section 4.55(1) of the EPA Act 1979, a consent containing an error or mis-description may be amended. The Northern Beaches Community Participation Plan does not require the notification of Section 4.55(1) modification applications as they are considered to be of minimal environmental impact.

The application seeks to delete condition(s) Nos. 16; 21; 25; 53 and 54 which reads as follows:

16. Structures Located Adjacent to Council Pipeline or Council Easement

All structures are to be located clear of any Council pipeline or easement. Footings of any structure easement or pipeline are to be designed in accordance with Council's Water Management Policy; (Section 6 - Building Over or Adjacent to Constructed Council Drainage Systems and Easements Technical Specification). Structural details prepared by a suitably qualified Civil Engineer, who has National Engineering Register (NER) or Professionals Australia (RPENG) demonstrating compliance are to be submitted for approval prior to the issue of the Subdivision Works Certificate.

Reason: Protection of Council's infrastructure.

21 Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway plans for the new development works within the road reserve and this development consent are to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of 1. Collection Council waste and recyclables collection. 2. Drainage connection into Council's stormwater system generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plans are to be prepared by a qualified civil engineer. The fee associated with the assessment and approval of the

be in accordance with Council's Fee and Charges

An approval is to be submitted to the Certifier prior to the issue of the Construction Certificate

Reason: To ensure engineering works are constructed in accordance with relevant standards and specification.

25 Pre-Construction Stormwater Assets Dilapidation Report

The Applicant is to submit a pre-construction / demolition Dilapidation Survey of Council's Stormwater Assets to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Survey of Council Stormwater Asset, to record the existing condition of the asset prior to the commencing of works. Council's Guidelines are available at:

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineeringspecifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets.pdf>

The pre-construction / demolition dilapidation report must be submitted to Council for approval and prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

53 Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets)

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works. Council's Guidelines are available at

<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineeringguidelinesforpreparingdilapidationsurveyforcouncilstormwaterassets.pdf>

The post-construction / demolition dilapidation report must be submitted to Council for review and approval. Any damage to Council's stormwater infrastructure is to be rectified prior to the release of any Drainage Certificate. Council's acceptance of the Dilapidation Survey is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: Protection of Council's infrastructure.

54 Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

The Applicant shall submit a certification by a suitably qualified Civil Engineer, who has membership in the Engineers Australia, National Engineers Register (NER) or Professionals Australia (RPENG) that the completed works have been constructed in accordance with this consent and the approved Section 138 and/or Construction Plans. Works as Executed data certified by a registered surveyor in relation to boundaries and/or easements, prepared in accordance with Council's 'Guideline for preparing Works as Executed data Assets' in an approved format shall be submitted to the Principal Certifier for approval prior to the issue of the Occupation Certificate.

Reason: To ensure compliance of works with Council's specification for engineering works.

Consideration of error or mis-description

The modification was referred to Council's Development Engineer who imposed the above conditions of consent. Council's Development Engineer supports the deletion of the above conditions, as these conditions relate to elements of a previous design which was subsequently amended during the DA process. During the assessment of the original development application (DA2023/0422), amended plans were submitted which included the deletion of the laneway extension, carport and studio and

associated works on the Council Road Reserve. The subsequent approved works only relate to alterations to the existing house which are not proposed near any council pipeline, easement or infrastructure and has no works on Council's Road Reserve. Hence, the above conditions are no longer applicable to the approved development.

Conclusion

It is considered that the modification is minor in nature and consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendation

THAT Council as the consent authority approve Modification Application No. Mod2024/0025 for Modification of Development Consent DA2023/0422 granted for Alterations and additions to a dwelling house on land at Lot 113 DP 6937,91 Florida Road, PALM BEACH, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-406953 Mod2024/0025	The date of this notice of determination	Add Condition No.1A - Modification of Consent Delete condition 16 -Structures Located Adjacent to Council Pipeline or Council Easement Delete condition 21 - Submission Roads Act Application for Civil Works in the Public Road Delete condition 25 - Pre-Construction Stormwater Assets Dilapidation Report Delete condition 53 - Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets) Delete condition 54 - Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting documentation, to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council) and supporting documentation, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
DA01	E	SITE PLAN	Robert Jones Architect	07/11/2023

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Delete Condition 16 (Structures Located Adjacent to Council Pipeline or Council Easement) to read as follows:

Deleted

C. Delete Condition 21 (Submission Roads Act Application for Civil Works in the Public Road) to read as follows:

Deleted

D. Delete Condition 25 (Pre-Construction Stormwater Assets Dilapidation Report) to read as follows:

Deleted

E. Delete Condition 53 (Post- Construction Stormwater Assets Dilapidation Report (Council stormwater assets) to read as follows:

Deleted

F. Delete Condition 54 (Certification of Civil Works and Works as Executed Data in accordance with Road Act Approval) to read as follows:

Deleted

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Gareth David, Principal Planner

The application is determined on 22/02/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments