

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Kye Miles, Planner
Date:	23 June 2021
Application Number:	Mod2021/0349
Address:	Lot 10 DP 14040 , 14 Ellen Street CURL CURL NSW 2096 Lot 101 DP 1224100 , 16 Ellen Street CURL CURL NSW 2096 Lot 102 DP 1224100 , 2 Wyadra Avenue FRESHWATER NSW 2096
Proposed Modification:	Modification of Development Consent DA2020/0147 granted for consolidation of 3 lots into one lot and re subdivision into 3 Torrens Title lots

Background

The abovementioned development consent was granted by Council on 18 November 2020 for Consolidation of 3 lots into one lot and resubdivision into 3 Torrens Title lots;

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) No. 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, which reads as follows:

5. Construction Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Construction Traffic Management Plan (CTMP) and report shall be prepared by an RMS accredited person and submitted to and approved by the Northern Beaches Council Traffic Team prior to issue of any Construction Certificate.

Due to heavy traffic congestion throughout the town centre, truck movements will be restricted during the major commuter peak times being 8.00-9.30am and 4.30-6.00pm. Truck movements must be agreed with Council's Traffic and Development Engineer prior to submission of the CTMP.

The CTMP must address following:

- The proposed phases of construction works on the site, and the expected duration of each construction phase

- The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken
- Make provision for all construction materials to be stored on site, at all times
- The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period
- The proposed method of access to and egress from the site for construction vehicles, including access routes and truck routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed
- The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site
- Make provision for parking onsite. All Staff and Contractors are to use the basement parking once available
- Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site are not permitted unless approved by Council prior
- Specify that, due to the proximity of the site to Harbord Public School, no heavy vehicle movements or construction activities effecting vehicle and pedestrian traffic are permitted in school zone hours (8:00am-9:30am and 2:30pm-4:00pm weekdays)
- Include a Traffic Control Plan prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian traffic
- The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process. It must also specify that a minimum Fourteen (14) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measure
- Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes and concrete pumps, structures proposed on the footpath areas (hoardings, scaffolding or shoring) and any tree protection zones around Council street trees
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities, such as (but not limited to) concrete pours, crane lifts and dump truck routes. These communications must be documented and submitted to Council prior to work commencing on site
- The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site
- Specify that the roadway (including footpath) must be kept in a serviceable condition for the duration of construction. At the direction of Council, undertake remedial

- treatments such as patching at no cost to Council
- The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer, or equivalent
- Proposed protection for Council and adjoining properties
- The location and operation of any on site crane

The CTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’ Manual – “Traffic Control at Work Sites”.

All fees and charges associated with the review of this plan is to be in accordance with Council’s Schedule of Fees and Charges and are to be paid at the time that the Construction Traffic Management Plan is submitted.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

6. Vehicle Mechanical Turntable

The applicant is to submit information on the proposed vehicular turntable, operation details, and instructions to visitors on using the device, maintenance plan, and contingency plan during a malfunction to the Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure the turntable is as per the approval and operates in accordance with the intent of the approval.

7. Elevated Parking Platform Barrier System

The applicant is to submit an engineering report to the Certifying Authority demonstrating that the Elevated Parking Platform has a suitably engineered, compliant barrier system to contain the largest vehicle that will use the structure. This is to meet the relevant structure requirements of AS/NZS 1170.1 and allow the driver of a vehicle to see the barrier clearly from the reversing vehicle.

Reason: To ensure the safety of the public, drivers and adjoining property occupants

8. Subdivision Works Certificate

A Subdivision Works Certificate is to be approved by Certifying Authority for the provision of engineering works.

Engineering plans for the subdivision works within this development consent are to be submitted to the Certifying Authority for approval under Section 6.13 of the Environmental Planning and Assessment Act 1979.

Civil Engineering plans for the subdivision works are to be designed in accordance with the Council’s specification for engineering works – AUS- PEC #1. The plans shall be prepared by a suitably qualified Civil Engineer, who has membership to Engineers Australia, National

Engineers Register (NER) and registered in the General Area of Practice for civil engineering.

The design must include the following information:

1. Structural details of the elevated turning facility featuring a turntable as detailed in the TTW dated 4th September 2020.
2. Stormwater drainage plans detailing the provision of all stormwater from proposed all proposed future lots in accordance with Council's water management policy.

The Subdivision Works Certificate must be supported by engineering plans, calculations, specification or any certification relied upon.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specifications.

9. Utilities Services

Prior to the issue of the Subdivision Works Certificate, the Applicant is to obtain the following:

- (a) A letter from the utility provider confirming that satisfactory arrangements have been made for the approved development have been made; and
- (b) Evidence that notification has been received from a utility authority that, requirements for the development can be provided

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Subdivision Works Certificate.

Reason: To ensure that services have been provided as required by this Consent.

10. Pre-Commencement Dilapidation Report

The applicant must prepare and submit a pre-commencement dilapidation report providing an accurate record of the existing condition of adjoining public property and public infrastructure (including roads, gutter, footpaths, etc). A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of adjoining and affected private properties.

The pre-construction / demolition dilapidation report must be submitted to Council for written approval and the written approval is then to be submitted to the Certifying Authority prior to the issue of the any Subdivision Works Certificate and the commencement of any works including demolition.

Reason: Protection of Council's Infrastructure during construction.

11. Traffic Management and Control

The Applicant is to submit an application for Traffic Management Plan to Council for approval prior to issue of the Subdivision Works Certificate. The Traffic Management Plan shall be prepared to RMS standards by an appropriately certified person.

Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process.

12. Road Reserve

The applicant shall ensure the public footways and roadways adjacent to the site are maintained in a safe condition at all times during the course of the work.

Reason: Public safety.

13. Traffic Control During Road Works

Lighting, fencing, traffic control and advanced warning signs shall be provided for the protection of the works and for the safety and convenience of the public and others in accordance with RMS Traffic Control At Work Sites Manual (<http://www.rms.nsw.gov.au/businessindustry/partners-suppliers/documents/technical-manuals/tcws-version-4/tcwsv4i2.pdf>) and to the satisfaction of the Roads Authority. Traffic movement in both directions on public roads, and vehicular access to private properties is to be maintained at all times during the works.

Reason: Public Safety

14. Section 88B instrument relating to turntable

The applicant is to include a Section 88B instrument on the title permitting Council to provide direction as to the repair/maintenance of the approved turntable.

Reason: To ensure the mechanical services are maintained in a serviceable state at all times.

Consideration of error or mis-description

The proposed modification does not entail any physical works, as it is only for the subdivision of existing lots. The proposal has been referred to Council's Development Engineering and Traffic Engineering divisions, who have confirmed that the above-mentioned conditions were for actual project construction. Therefore, the removal of these conditions are considered to be reasonable.

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. Mod2021/0349 for Modification of Development Consent DA2020/0147 granted for consolidation of 3 lots into one lot and re subdivision into 3 Torrens Title lots on land at Lot 10 DP 14040, 14 Ellen Street, CURL CURL, Lot 101 DP 1224100, 16 Ellen Street, CURL CURL, Lot 102 DP 1224100, 2 Wyadra Avenue, FRESHWATER, as follows:

A. Delete Condition, No.5 Construction Traffic Management Plan.

B. Delete Condition, No.6 Vehicle Mechanical Turntable.

C. Delete Condition, No.7 Elevated Parking Platform Barrier System.

D. Delete Condition, No.8 Subdivision Works Certificate.

E. Delete Condition, No.9 Utilities Services.

F. Delete Condition, No.10 Pre-Commencement Dilapidation Report.

G. Delete Condition, No.11 Traffic Management and Control.

H. Delete Condition, No.12 Road Reserve.

I. Delete Condition, No.13 Traffic Control During Road Works.

J. Delete Condition, No.14 Section 88B instrument relating to turntable.

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

Signed



Kye Miles, Planner

The application is determined on 22/06/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments