

Memo

Environment

To:	Rodney Piggott , Development Assessment Manager
From:	Megan Surtees, Planner
Date:	30 April 2021
Application Number:	Mod2020/0671
Address:	Lot 23 DP 10609 , 911 Pittwater Road COLLAROY NSW 2097
Proposed Modification:	Modification of Development Consent DA2020/0819 granted for the demolition of structures

Background

The abovementioned development consent was granted by Council on 13 October 2020 for the demolition of all structures on the site.

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. 1 RMS Approval - Construction Traffic Management Plan, No. 6 Security Bond, No. 7 Erosion and Sediment Control Plan, No. 8 Compliance with Standards, No. 16 Removal of All Temporary Structures/Material and Construction Rubbish, and No. 17 Waste Management Confirmation**, which reads as follows:

No 1. RMS Approval - Construction Traffic Management Plan

The applicant is to submit to, and have approved by RMS, the CTMP for the anticipated construction/demolition works. A copy of this approval is to be submitted to Council for concurrence prior to the consent becoming active.

Reason: To ensure RMS is satisfied with the works occurring from a State Road.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within two (2) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

No 6. Security Bond

A bond (determined from cost of works) of \$5,000 and an inspection fee in accordance with

Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

No 7. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan (ESCP) shall be prepared by an appropriately qualified person and implemented onsite prior to commencement. The ESCP must meet the requirements outlined in the Landcom publication Managing Urban Stormwater: Soils and Construction - Volume 1, 4th Edition (2004). The ESCP must include the following as a minimum:

- Site Boundaries and contours;
- Approximate location of trees and other vegetation, showing items for removal or retention (consistent with any other plans attached to the application)
- Location of site access, proposed roads and other impervious areas (e.g. parking areas and site facilities);
- Existing and proposed drainage patterns with stormwater discharge points
- Locations and methods of all erosion and sediment controls;
- North point and scale.

Details demonstrating compliance are to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

Reason: To mitigate environmental impact resulting from site disturbance.

No 8. Compliance with Standards

The development is required to be carried out in accordance with all relevant Australian Standards. (Note: At the time of determination the following (but not limited to) Australian Standards applied:

- (a) AS2601.2001 - Demolition of Structures**
- (b) AS4361.2 - Guide to lead paint management - Residential and commercial buildings**
- (c) AS4282:1997 Control of the Obtrusive Effects of Outdoor Lighting**

- (d) AS 4373 - 2007 'Pruning of amenity trees' (Note: if approval is granted) **
- (e) AS 4970 - 2009 'Protection of trees on development sites' **
- (f) AS/NZS 2890.1:2004 Parking facilities - Off-street car parking **
- (g) AS 2890.2 - 2002 Parking facilities - Off-street commercial vehicle facilities **
- (h) AS 2890.3 - 1993 Parking facilities - Bicycle parking facilities **
- (i) AS 2890.5 - 1993 Parking facilities - On-street parking **
- (j) AS/NZS 2890.6 - 2009 Parking facilities - Off-street parking for people with disabilities **
- (k) AS 1742 Set - 2010 Manual of uniform traffic control devices Set **
- (l) AS 1428.1 - 2009* Design for access and mobility - General requirements for access – New building work **
- (m) AS 1428.2 - 1992*, Design for access and mobility - Enhanced and additional requirements
- Buildings and facilities **

*Note: The Australian Human Rights Commission provides useful information and a guide relating to building accessibility entitled "the good the bad and the ugly: Design and construction for access". This information is available on the Australian Human Rights Commission website [www.hreoc.gov.au/disability rights /buildings/good.htm](http://www.hreoc.gov.au/disability%20rights%20/buildings/good.htm)
<www.hreoc.gov.au/disability%20rights%20/buildings/good.htm>

**Note: the listed Australian Standards is not exhaustive and it is the responsibility of the applicant and the Certifying Authority to ensure compliance with this condition and that the relevant Australian Standards are adhered to.)

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.

No. 16 Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management.

No 17. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

The application also requests Council consider the need for **Condition No. 12 State Transit Authority (STA) Concurrence** as the proposed demolition works do not require the closure

of Pittwater Road, rather requiring the proposed demolition works may require temporary and intermittent traffic stoppage for truck egress and entrance to the subject site.

Consideration of error or mis-description

The application was referred to Transport for New South Wales (TfNSW), who reviewed the development application and requested the following requirements be included in any consent issued:

1. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pittwater Road.
2. All vehicles are to enter and leave the site in a forward direction.
3. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Pittwater Road during construction activities. An ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
4. A Construction Pedestrian Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval.

The referral comments and recommended requirements were included in **Condition 3. Compliance with Other Departments, Authority or Service Requirements**. In this instance, the requirements of the Deferred Commencement condition was satisfied and therefore was included in error, and as such, can be deleted from the consent.

Condition 6. Security Bond is automatically generated and must be complied with. The wording notes that the bonds and fees shall be deposited with Council prior to Construction Certificate OR demolition work commencing. As demolition work will be commencing upon receipt of this consent, the Security Bond must be deposited to Council prior to demolition work commencing. As such, this condition will not be deleted from the consent nor will it's wording be modified.

It is noted that a technical error has occurred in the generation of the Notice of Determination document which resulted in the banner of '**Conditions to be Satisfied prior to the issue of the Construction Certificate**' not appearing. Compliance with Conditions 7 and 8 would result in the provision of a Construction Certificate, and a Construction Certificate is not required for demolition works. In this instance, Conditions 7 and 8 can be deleted from the consent as the intent of these conditions can be satisfied under Conditions 9 and 10. As Conditions 7 and 8 were included in error, their deletion from the consent is permissible under this modification application.

In a similar vein, compliance with Conditions 16 and 17 would require the provision of of an Occupation Certificate. An Occupation Certificate is not required for demolition works. In this instance, Conditions 16 and 17 can be deleted from the consent. As these conditions were included in error, their deletion from the consent is permissible under this modification application.

The request to delete **Condition 12. State Transit Authority (STA) Concurrence** is not a consideration under this modification application as this condition was not created in error. Should the Applicant wish to have this condition amended or deleted a separate Section 4.55(1A) should be submitted to Council for assessment.

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. Mod2020/0671 for Modification of Development Consent DA2020/0819 granted for the demolition of structures on land at Lot 23 DP 10609,911 Pittwater Road, COLLAROY, as follows:

A. Delete Condition No. 1 RMS Approval - Construction Traffic Management Plan to read as follows:

DELETE

B. Delete Condition No. 7 Erosion and Sediment Control Plan to read as follows:

DELETE

C. Delete Condition No. 8 Compliance with Standards to read as follows:

DELETE

D. Delete Condition No. 16 Removal of All Temporary Structures/Materials and Construction Rubbish to read as follows:

DELETE

E. Delete Condition 17. Waste Management Confirmation to read as follows:

DELETE

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

Signed



Megan Surtees, Planner

The application is determined on 30/04/2021, under the delegated authority of:



Rodney Piggott, Manager Development Assessments