

Memo

Planning & Assessment

To: Steve Findlay
Team Leader Development Assessment

From: Mitchell Drake
Development Assessment Officer

Date: 10 June 2009

Subject: Section 96(1) Modification of Consent; Application number: MOD 2009/0143 to modify Development Consent numbered: DA2007/1154 to delete Conditions 9, 10 and 11, relating to bonds, imposed in error at: Lot 75 in DP 456141, Lot 74 in DP 12724, and Lot B in DP 396843, Stirgess Avenue, Curl Curl – Weldon Oval

Background

The above mentioned development application (DA2007/1154) for “re-turfing of a sportsfield, installation of an irrigation system and a water tank, and upgrading of and lighting” at the abovementioned site was granted approval on 7 August 2008.

In reviewing the consent, it has been found that Conditions 9, 10, and 11 on DA 2007/1154 requiring Council to lodge Bonds have been included in error as it would be superfluous for Council to lodge bonds with itself.

The abovementioned conditions in relation to Bonds read as follows:

9. Bond for Engineering Construction Works - Stormwater

A Bond of \$5,000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

***Reason:** To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.*

10. Bond for Silt and Sediment Control

The payment of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

***Reason:** To ensure appropriate security against environmental damage.*

11. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.

***Reason:** To ensure adequate protection to Council infrastructure.*

Accordingly, it is considered that the conditions relating to Bonds be deleted from the consent as follows:

9. Bond for Engineering Construction Works - Stormwater

A Bond of \$5,000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

***Reason:** To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.*

Delete Condition 10 which reads as follows:

10. Bond for Silt and Sediment Control

The payment of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

***Reason:** To ensure appropriate security against environmental damage.*

Delete Condition 11 which reads as follows:

11. Development/Construction Security Bond

A bond (determined from cost of works) of \$2,000 must be deposited with Council and an inspection fee paid of \$200 prior to the issue of any Construction Certificate. This bond is 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.

***Reason:** To ensure adequate protection to Council infrastructure.*

Modification and Notification of Applications

Under Section 96(1) of the EPA Act, a consent containing an error or mis-description may be amended. Warringah DCP (Chapter 1 Notification and Exhibition) does not require the notification of applications under Section 96(1) as it is simply to correct an error and does not impact on the proposed development or adjoining and surrounding properties.

Given that the consent should be modified to ensure consistency with relevant policies and controls, this error should be corrected accordingly.

Conclusion

The modification is to correct an error for the reasons discussed in this report and is consistent with the provisions of Section 96(1) of the EPA Act 1979 and is therefore recommended for approval.

Recommendations (Approval)

Part A That the 96(1) Modification of Consent Application numbered: MOD 2009/0143 to modify Development Consent numbered DA2007/1154 to delete Conditions 9, 10 and 11 at Lot 75 in DP 456141, Lot 74 in DP 12724, and Lot B in DP 396843, Stirgess Avenue, Curl Curl – Weldon Oval be approved as follows:



Delete Condition 9 which reads as follows:

9. Bond for Engineering Construction Works - Stormwater

A Bond of \$5,000 shall be deposited with Council prior to the issue of the Construction Certificate against any damage or failure to complete the construction of stormwater drainage works as part of this consent.

Reason: *To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure.*

Delete Condition 10 which reads as follows:

10. Bond for Silt and Sediment Control

The payment of \$10,000 shall be deposited with Council prior to the issue of the Construction Certificate as security to ensure that there is no transmission of material, soil etc off the site and onto the public road and/or drainage systems.

Reason: *To ensure appropriate security against environmental damage.*

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Reason: *To ensure adequate protection to Council infrastructure.*

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