

Memo

Environment

To:	Tony Collier , Acting Development Assessment Manager
From:	Megan Surtees, Planner
Date:	21 September 2020
Application Number:	Mod2020/0446
Address:	Lot 28 DP 233779 , 4 Yachtsmans Paradise NEWPORT NSW 2106
Proposed Modification:	Modification of Development Consent DA2019/0749 granted for Alterations and additions to a dwelling house including a swimming pool

Background

The above-mentioned development consent (DA2019/0749) was granted by Council on 3 October 2019 for alterations and additions to a dwelling house including a swimming pool and outdoor kitchen on existing timber deck.

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 reposition **Condition No. 11 Post-Construction Dilapidation Survey** from 'Conditions which must be complied with prior to the issue of the Construction Certificate' to 'Conditions which must be complied with prior to the issue of the Occupation Certificate'.

The condition reads as follows:

A post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably 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/engineeringspecifications/2009084729guidelineforpreparingadilapidationsurveyofcouncilstormwaterassets.pdf>

The post-construction dilapidation report must be submitted to Council for review and Council's acceptance of the report issued to the Principal Certifying Authority prior to the issue of the Construction Certificate. Any damage to Council's stormwater asset is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure.

Consideration of error or mis-description

The above-mentioned condition was applied incorrectly under '**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**'.

As this condition relates to a post-dilapidation report to ensure the works have not damaged Council's stormwater asset, it should be sited under '**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**'.

Council's Development Engineer has reviewed this application and supports the amendments to the abovementioned condition of consent.

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. Mod2020/0446 for Modification of Development Consent DA2019/0749 granted for Alterations and additions to a dwelling house including a swimming pool on land at Lot 28 DP 233779,4 Yachtsmans Paradise, NEWPORT, as follows:

A. Delete Condition 11. Post-Construction Dilapidation Survey to read as follows:

B. Add Condition 24a Post-Construction Dilapidation Survey to read as follows:

24a Post-Construction Dilapidation Survey

A Post-Construction Dilapidation Survey of Council's Stormwater Assets is to be 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:

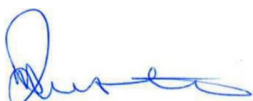
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/generalinformation/engineeringsp>

The Post-Construction Dilapidation Report must be submitted to Council for review and Council's acceptance of the report issued to the Principal Certifying Authority prior to the issue of the Occupation Certificate. Any damage to Council's stormwater asset is to be rectified in accordance with Council's technical specifications prior to the release of the security bond.

Reason: Protection of Council's Infrastructure.

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

Signed



Megan Surtees, Planner

The application is determined on 21/09/2020, under the delegated authority of:



Tony Collier, Acting Development Assessment Manager