

# Memo

## Environment

<b>To:</b>	Lashta Haidari , Acting Development Assessment Manager
<b>From:</b>	Jordan Davies, Planner
<b>Date:</b>	17 February 2021
<b>Application Number:</b>	Mod2021/0048
<b>Address:</b>	Lot 1 DP 202857 , 7 Trentwood Park AVALON BEACH NSW 2107
<b>Proposed Modification:</b>	Modification of Development Consent DAN0530/15 granted for subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots

## Background

The abovementioned development consent N0530/15 was granted by Council on 15/11/2017 for Subdivision of one lot into three, demolition of existing detached garage and extension of existing access road.

The application was then subsequently modified by MOD2020/0344 (approved on 16/12/2020) which sought to stage the subdivision into two stages. Conditions of consent were modified to allow staging of the subdivision.

## 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 modify condition(s) No. C6, C2.6 and F2.6 and delete condition F6, which reads as follows:

### C6 **Current Condition**

Engineering plans including specifications and details of all required future services including water, sewer, electricity, telecommunications, gas etc., within the proposed handle to residue Lot 2 along the northern boundary of proposed Lot 1, **and the structural slab details for the proposed bin stand area within proposed lot 1, and the driveway slab within the proposed right of way burdening proposed lot 1** are to be submitted to the Accredited Certifier or Council with the Construction Certificate application for Stage 1. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the relevant Australian Standards and Pittwater 21 DCP 2014.

### **Amended Condition - Removed above bold wording**

Engineering plans including specifications and details of all required future services including water, sewer, electricity, telecommunications, gas etc., within the proposed handle to residue Lot 2 along the northern boundary of proposed Lot 1 are to be submitted to the Accredited Certifier or Council with the Construction Certificate application for Stage 1. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the relevant Australian Standards and Pittwater 21 DCP 2014.

Comment:

It is not intended or required to construct the bin stand area or driveway as part of stage 1. Council's development engineer has confirmed the existing driveway area and hard stand area can be used to service stage 1, which includes Lot 1 with direct street access and Lot 2 which has the existing dwelling upon it.

**C2.6 Current Condition**

Engineering plans including specifications and details of the internal driveway are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B6.2 of Pittwater 21 DCP and generally with the plan prepared by Gartnertrovato Architects drawing number 1711 A01 issue F dated October 17 and traffic report prepared by Michael Logan dated 19/10/2017.

**Amended Condition - Insert bold wording**

Engineering plans including specifications and details of the internal driveway, **and the structural slab details for the proposed bin stand area within proposed lot 1, and the driveway slab within the proposed right of way burdening proposed lot 1**, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B6.2 of Pittwater 21 DCP and generally with the plan prepared by Gartnertrovato Architects drawing number 1711 A01 issue F dated October 17 and traffic report prepared by Michael Logan dated 19/10/2017.

Comment: The inclusion of the above wording in the conditions for stage 2, captures the requirement for the bin storage area to be constructed as part of stage 2. Driveway also required to be constructed as part of stage two, which has always been the case.

**F6 Current Condition - To be deleted**

A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the bin stand area and driveway within the proposed right of way within proposed Lot 1 have been constructed in accordance with the approved Stage 1 Construction Certificate plans and relevant conditions of Development Consent.

Comment: This condition is to be deleted, as it requires the construction of the bin storage

area and driveway within the ROW. It was not intended under MOD2020/0344 to require the construction of the bin storage area under stage 1. The presence of the existing driveway slab and hardstand area may service stage 1. The requirement to be included in the amended condition F2.6 below.

#### F2.6 **Current Condition**

A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the driveway within the proposed right of way within proposed Lots 2 and 3 have been constructed in accordance with the approved Stage 2 Construction Certificate plans and relevant conditions of Development Consent.

#### **Amended Condition - Bold Text added**

A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the driveway within the proposed right of way within proposed Lots 2 and 3 **and the bin stand area and driveway within the proposed right of way within proposed Lot 1** have have been constructed in accordance with the approved Stage 2 Construction Certificate plans and relevant conditions of Development Consent.

Comment: The requirement for the construction of the bin storage area and driveway within the ROW have been included in the stage 2 conditions.

#### **Consideration of error or mis-description**

In amending the conditions part of MOD2020/0344, discussions were held between the applicant, Council's Planner and Council's Development Engineer regarding which aspects of the development were to be constructed as part of Stage 1 and Stage 2. It was agreed that the bin storage was not necessarily required as part of Stage 1, as the new lot 1 has direct access to the street and the existing dwelling upon Lot 2 can continue to be serviced by existing arrangements. The bin storage area and driveway are required to be constructed as part of stage 2. However, the modified conditions included wording that still required bin storage to be constructed and a portion of the driveway constructed as part of Stage 1. As this was not the intention to require the construction of a bin storage area and driveway as part of Stage 1, this is considered an error and the application can be modified by a Section 4.55(1). There is an existing driveway and hardstand area that can be used to function as bin storage for stage 1, with a designated area not required to be constructed.

The requirements for Bin Storage and driveway construction remain as part of Stage 2.

#### **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. Mod2021/0048 for Modification of Development Consent DAN0530/15 granted for subdivision of one lot into three, demolition of existing detached garage and extension of existing access road to provide access to new lots on land at Lot 1 DP 202857,7 Trentwood Park, AVALON BEACH, as follows:

**A. Modify Condition C6 to read as follows:**

Engineering plans including specifications and details of all required future services including water, sewer, electricity, telecommunications, gas etc., within the proposed handle to residue Lot 2 along the northern boundary of proposed Lot 1 are to be submitted to the Accredited Certifier or Council with the Construction Certificate application for Stage 1. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of Engineers Australia or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with the relevant Australian Standards and Pittwater 21 DCP 2014.

**B. Modify Condition C2.6 to read as follows:**

Engineering plans including specifications and details of the internal driveway, and the structural slab details for the proposed bin stand area within proposed lot 1, and the driveway slab within the proposed right of way burdening proposed lot 1, are to be submitted to the Accredited Certifier or Council with the Construction Certificate application. Such details are to be accompanied by a certification by a qualified experienced practicing Civil Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field, confirming that the plans/details comply with B6.2 of Pittwater 21 DCP and generally with the plan prepared by Gartnertrovato Architects drawing number 1711 A01 issue F dated October 17 and traffic report prepared by Michael Logan dated 19/10/2017

**C. Delete Condition F6.**

**D. Modify Condition F2.6 to read as follows:**

A Certificate is to be submitted to the Principal Certifying Authority with the Subdivision Certificate application by a qualified practicing Civil Engineer with corporate membership of Engineers Australia, or who is eligible to become a corporate member and has appropriate experience and competence in the related field confirming to the satisfaction of the Principal Certifying Authority that the driveway within the proposed right of way within proposed Lots 2 and 3 and the bin stand area and driveway within the proposed right of way within proposed Lot 1 have have been constructed in accordance with the approved Stage 2 Construction Certificate plans and relevant conditions of Development Consent.

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

**Signed**



**Jordan Davies, Planner**

The application is determined on 17/02/2021, under the delegated authority of:



**Lashta Haidari, Acting Development Assessment Manager**