

Memo

Environment

To:	Catriona Shirley , Acting Development Assessment Manager
From:	Nick Keeler, Planner
Date:	6 July 2021
Application Number:	Mod2021/0381
Address:	Lot 1 DP 502152 , 102 Old Pittwater Road BROOKVALE NSW 2100
Proposed Modification:	Modification of Development Consent DA2021/0241 granted for use of premises as a vehicle sales or hire including fit-out and signage

Background

The abovementioned development consent was granted by Council on 13/05/2021 for the use of a premises as vehicle sales or hire including fit-out and signage.

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. 7, which reads as follows:

7. 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*
- *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.

Consideration of error or mis-description

The applicant seeks to have Condition No. 7 deleted as it is believed that the condition was imposed in error due to the minimal extent of physical works being conducted under the Development Application.

As Condition No. 7 was imposed by Council's Traffic Engineers, this application was referred to Council's Traffic Engineers for comment. The following comments were received:

Traffic Engineer Referral Response

The application is not supported as there is minor works to be undertaken as listed in the Statement of Environmental Effects for the original Development Application (DA2021/0241) as detailed below.

"The application includes the necessary fit out and a business sign for the vehicle sales and hire premises to enable the use of the premises for the intended purpose. No structural works are proposed. Minor works include the filling in of a door in the upper level office and new entry doors on the main level. The floor area of the tenancy is unchanged. The proposal includes one(1) business wall sign on the front façade of the building."

As a result, a CTMP is appropriate. The level of detail required for the CTMP includes how all deliveries are to be managed on the subject site, that all contractors for the proposed works are able to park within the premises and that there are no impacts upon Council's Road Reserve.

Upon site inspection there was significant works underway - this was attributed to the Complying Development Certificate for the property issued by a Private Certifier to undertake fire upgrade and additional other works to the existing building.

The modification application is therefore not supported.

In light of the above comments, Condition No. 7 was not imposed in error. As such, the modification application to remove condition No.7 *Construction Traffic Management Plan* is not supported.

Conclusion

It is considered that the modification is not an error or mis-description and is therefore not consistent with the provisions of section 4.55(1) of the EPA Act 1979 and is recommended for refusal.

Recommendation

THAT Council as the consent authority refuse Modification Application No. Mod2021/0381 for Modification of Development Consent DA2021/0241 granted for use of premises as a vehicle sales or hire including fit-out and signage on land at Lot 1 DP 502152, 102 Old Pittwater Road, BROOKVALE, for the below reasons:

1. **Assessment - Environmental Planning and Assessment Act 1979 - Section 4.55(1)**
The proposed modification is inconsistent with the provisions of section 4.55(1) of the Environmental Planning and Assessment Act 1979.

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

Signed



Nick Keeler, Planner

The application is determined on 05/07/2021, under the delegated authority of:



Catriona Shirley, Acting Development Assessment Manager