

Memo

Environment

To:	Steven Findlay , Development Assessment Manager
From:	Adam Croft, Planner
Date:	20 May 2024
Application Number:	Mod2024/0210
Address:	<p>Lot 3 DP 210342 , 128 Crescent Road NEWPORT NSW 2106</p> <p>Lot 21 DP 545339 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 407538 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot LIC 460612 , 57 The Avenue NEWPORT NSW 2106</p> <p>Lot 1 DP 503390 , 126 Crescent Road NEWPORT NSW 2106</p> <p>Lot 2 DP 210342 , 55 The Avenue NEWPORT NSW 2106</p> <p>Lot 111 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 112 DP 556902 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot LIC 188424 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p> <p>Lot 295 DP 820302 , 122 Crescent Road NEWPORT NSW 2106</p>
Proposed Modification:	Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work

Background

The abovementioned development consent was granted by Council on 6 December 2023 for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work;

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 No. 7 and delete Condition No. 32, which read as follows:

7. Construction, Excavation and Associated Works Security Bond (Road works)

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$400,000.00 (four hundred thousand).

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$100,000.00 (one hundred thousand)

Road Works

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required as part of this consent a bond of \$100,000.00 (one hundred thousand)

Security Bond

As security against damage to Council's roads fronting the site caused by the transport and disposal of materials and equipment to and from the site a bond of \$50,000.00 (fifty thousand)

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.

32. Pre-Construction Road Reserve Dilapidation Report

Pursuant to Section 97 of the Local Government Act, 1993, Council requires prior to the issue of Subdivision Works Certificate, or commencement of any excavation and demolition works, payment of a Trust Fund Deposit as per the current rates in Council's Fees and Charges. The Deposit is required as security against damage to Council property during works on the site. The applicant must bear the cost of all restoration works to Council's property damaged during the course of this development. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Note: Should Council property adjoining the site be defective e.g. cracked footpath, broken kerb etc., this should be reported in writing, or by photographic record, submitted to Council at least seven (7) days prior to the commencement of any work on site. This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as a possible.

Reason: To ensure security against possible damage to Council property.

Consideration of error or mis-description

The application was referred to Council's Development Engineering section, who recommended the imposition of the conditions. The Drainage Works and Crossing/Kerb & Gutter/Footpath Works bond amounts included in Condition No. 7 were incorrect and may be amended as below. Condition 32 was included in error and may be deleted.

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. Mod2024/0210 for Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work on land at Lot 3 DP 210342,128 Crescent Road, NEWPORT, Lot 21 DP 545339,57 The Avenue, NEWPORT, Lot 1 DP 503390,126 Crescent Road, NEWPORT, Lot 2 DP 210342,55 The Avenue, NEWPORT, Lot 111 DP 556902,122 Crescent Road, NEWPORT, Lot 112 DP 556902,122 Crescent Road, NEWPORT, as follows:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN 428321 Mod2024/0210	The date of this notice of determination	Modification of Development Consent DA2022/2152 granted for Demolition works and subdivision of land into 8 lots including tree removal and infrastructure work. Modify Condition No. 7 Delete Condition No. 32

Modified conditions

A. Modify Condition 7. Construction, Excavation and Associated Works Security Bond (Road works) to read as follows:

7. Construction, Excavation and Associated Works Security Bond (Road works)

The applicant is to lodge a bond with Council for the following:

Drainage Works

As security against any damage or failure to complete the construction of stormwater drainage works required as part of this consent a bond of \$150,000.00. (one hundred and fifty thousand)

Crossing / Kerb & Gutter / Footpath Works

As security against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter, any footpath works and removal of any redundant driveways required as part of this consent a bond of \$20,000.00 (twenty thousand).

Road Works

As security against any damage or failure to complete the construction of road pavement/shoulder reconstruction works required as part of this consent a bond of \$100,000.00 (one hundred thousand)

Maintenance for Civil Works

A maintenance bond of \$50,000.00 (fifty thousand) for the construction of kerb & gutter, pavement and drainage works. The maintenance bond will only be refunded upon completion of the six month maintenance period, if work has been completed in accordance with the approved plans and to the satisfaction of Council. The maintenance bond is to be paid prior to Council prior to issuing of practical

completion.

Details confirming payment of the bond(s) are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate and Subdivision Works Certificate.

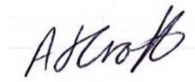
Reason: Protection of Council's infrastructure.

C. Delete Condition 32. Pre-Construction Road Reserve Dilapidation Report to read as follows:

32. DELETED

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

Signed



Adam Croft, Principal Planner

The application is determined on 20/05/2024, under the delegated authority of:



Steven Findlay, Manager Development Assessments