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MEMORANDUM

DATE: 5 April 2022

TO: Northern Beaches Local Planning Panel (NBLPP)

CC: Steve Findlay, Manager Development Assessment

FROM: Anne-Marie Young, Principal Planner

SUBJECT: Item 4.2, DA2021/1901– 21-23 Mona Street & 120 Bassett Street,
Mona Vale - Response to Applicants comments on draft conditions

Dear Panel Members,

An e-mail was received on 5 April 2022, from the applicant in response to the draft conditions published in the agenda report for the above item.

The applicant seeks to amend Condition 10 [Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)] and Condition 28 (Submission Roads Act Application for Civil Works in the Public Road).

Council staff's response to the comments from the applicant are provided below.

Condition 10 (Security Bond kerb and gutter)

Applicants Position –The security bond of \$100,000 seems excessive for vehicular crossing and kerb and guttering works. Is this an error and should it be amended to \$10,000.

Condition 10 reads:

Condition 10 (Construction, Excavation and Associated Works Security Bond (Crossing / Kerb)

The applicant is to lodge a Bond of \$ 100000 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.

Details confirming payment of the bond are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Protection of Council's infrastructure.



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Council Response: Council's Development Engineers has confirmed that the security bond figure of \$10000 is correct and has been calculated in accordance with the approved fee scheduled for the associated works. The works includes the upgrade of the footpath to the bus stop on both sides of

Pittwater Road. As such, Council does not support the request to amend the condition to reduce the security bond.

Condition 28 (Submission Roads Act Application for Civil Works in the Public Road)

In detail, condition 28 reads:

Condition 28: Submission Roads Act Application for Civil Works in the Public Road

The Applicant is to submit an application for approval for infrastructure works on Council's roadway.

Engineering plans for the new development works within the road reserve and this development consent are to be submitted to Council for approval under the provisions of Sections 138 and 139 of the Roads Act 1993.

The application is to include four (4) copies of Civil Engineering plans for the design of vehicle crossing, footpath and kerb ramps which are to be generally in accordance with the Council's specification for engineering works - AUS-SPEC #1. The plan shall be prepared by a qualified civil engineer. The design must include the following information:

- a) the driveway crossing shall be 5.5 m wide win accordance with Council's Normal profile.*
- b) 1.5 m wide concrete footpath must be installed from the frontage of Basset Street to the bus stops on both side of Pittwater Road in accordance with the conception plan from PopovBass, drawing no 0608-DA220 and 0608-DA221, Rev 1 and dated 10/02/2022.*
- c) all utility services must be plotted on the submitted plan.*
- d) kerb ramps shall be installed on the intersections if required.*

The fee associated with the assessment and approval of the application is to be in accordance with Council's Fee and Charges.

An approval is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure engineering works are constructed in accordance with relevant standards and Council's specification.

Applicants Position - The applicant has requested that part (b) of the condition be deleted for the following reasons:

"Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 relates requirements for location and access to facilities and prescribes that:

- (2) Access complies with this clause if—*



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(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development—

(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway

(4) For the purposes of subclause (2)—

(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like

As detailed in the Lindsay Perry Access Disability Access Report submitted with the Development Application, and supplementary information submitted to Council, existing footpaths in the locality deliver residents to a prescribed public transport service within 400 metres of the site. These footpaths are concrete sealed, are in good condition and are suitable for access by means of an electric wheelchair, motorised cart or the like.

Survey details prepared by C.M.C Surveyors Pty Ltd illustrate that existing footpath infrastructure is in keeping with SEPP requirements for gradients.

There are no further prescriptive requirements of the SEPP that suggest any widening of this infrastructure is necessary. The existing infrastructure satisfies the prescribed requirement of the SEPP for access.”

Council Response: The request to delete the condition has been considered by Council's Development Engineers who confirms that the exiting footpath to the bus stop from the subject site is too narrow being 1.2m wide and needs to be upgraded to be 1.5m wide to meet the accessibility requirements of SEPP (HSDP) 2004. As such, Council does not support the request to delete Condition 28 sub-clause (b).

RECOMMENDATION:

In summary, the application is recommended for approval as per the original draft conditions.