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## MEMORANDUM

**DATE:** 16/05//2023

**TO:** Northern Beaches Local Planning Panel (NBLPP)

**CC:** Adam Croft, Acting Manager Development Assessment  
Peter Robinson, Executive Manager Development Assessment

**FROM:** Roberto Bianco

**SUBJECT:** DA2023/0022 - 120 South Creek Road, Cromer

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Dear Panel Members,

This memorandum has been prepared in relation to DA2023/0022. The purpose of this memorandum is to address the email provided by applicant on 15 May 2023 requesting a review of the following conditions:

### **Condition 6**

The applicant claims the application is exempt from contributions in accordance with section 2.5 of the Contributions Plan.

Council's Contributions officer provided the following comments:

*Section 2.5 of the Contributions Plan provides an exemption to local infrastructure in the Contributions Plan that is carried out by or on behalf of any public authorities including Council. The proposed works are contained within Appendix A of the Contributions Plan and meet this requirement for an exemption.*

As such, the condition is recommended for deletion.

### **Condition 8**

The applicant requests the following:

*"We respectfully request that this \$30,000 be altered to and a condition be imposed to require a dilapidation report of the Council Kerb & Gutter prior to commencing works and assessed at the completion of the project."*

Council's Engineering Manager has stated that this condition is for applications requiring a S138 Roads Act application. As such the following standard condition for bonds is recommended to replace the condition:



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**Security Bond**

*A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.*

*An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).*

*All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.*

*To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).*

*Reason: To ensure adequate protection of Council's infrastructure.*

### **Condition 25**

Condition No.25 requires a survey certificate to be prepared by a Registered Surveyor at certain stages of construction. The standard wording of the condition is sought to be amended to be specific to the proposed installation of sports field lighting. It is agreed more relevant wording is appropriate, and the new wording of the condition has been outlined under the recommendation section below.

### **Condition 33**

Council's Environmental Health officer agrees that this condition should refer to the more relevant Australian standards as follows:

- Australian Standard 4282:2019 for control of obtrusive lighting.
- Australian Standard 2560.1 2018 Sports Lighting general principles.

### **Recommendation**

- **Delete Condition 6.**
- **Amend Condition 8 as follows:**

#### **Security Bond**

*A bond (determined from cost of works) of \$2,000 and an inspection fee in accordance with Council's Fees and Charges paid as security are required to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve*



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*adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.*

*An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).*

*All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, and details demonstrating payment are to be submitted to the Certifier prior to the issue of the Construction Certificate.*

*To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)).*

*Reason: To ensure adequate protection of Council's infrastructure.*

- **Amend Condition 26 as follows:**

**Survey Certificate**

A survey certificate prepared by a Registered Surveyor at the following stages of construction:

- (a) At the set-out of the pole locations prior to excavation.
- (b) At completion, certification that the pole heights are in accordance with the approved plans. Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To determine the height of buildings under construction comply with levels shown on approved plans.

- **Amend Condition 33 as follows:**

**Control of light spill**

The Certifying Authority must be satisfied that all outdoor lighting is designed and positioned to minimise any detrimental impact upon the amenity of other premises and adjacent dwellings and that the lighting complies with the following:

Australian Standard 4282:2019 for control of obtrusive lighting.  
Australian Standard 2560.1 2018 Sports Lighting general principles.

Reason: To protect public health and amenity.