

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**  
**NOTICE TO APPLICANT OF DETERMINATION**  
**OF A COMPLYING DEVELOPMENT CERTIFICATE**  
**DEMOLITION CODE**

**Applicant's Name and Address:**

**MEPSTEAD & ASSOCIATES PTY LTD**  
**PO BOX 208**  
**PENNANT HILLS NSW 1715**

Being the applicant in respect of Complying Development Certificate No **CDC0164/13**

Pursuant to section 85A of the Environmental Planning and Assessment Act 1979, notice is hereby given of the determination by Pittwater Council, as the consent authority, of this Complying Development Certificate application for:

**DEMOLITION OF SWIMMING POOL, SHEDS, DWELLING, DRIVEWAY PLUS SEPTIC TANK**

**At:**

**LOT 2 DP 736961**

**2 FERN CREEK ROAD, WARRIEWOOD NSW 2102**

**BUILDING CLASSIFICATION: 1a, 10a & 10b**

**LANDUSE ZONE: 1(b)**

**Decision:**

A Complying Development Certificate has been granted subject to the conditions as detailed under SEPP (Exempt and Complying Development Codes) 2008 Part 7, Division 2, Clause 7.3-7.11.

- **Site Plan No 23131(A) dated 28 June 2013 – prepared by Proust & Gardner.**
- **Silt & Sediment Control Plan ref 1095, sheets 1 & 2 dated 23 November 2013 – prepared by Yarraman Developments Pty Ltd.**
- **Waste Management Plan dated 11 December 2013.**

Endorsement date of issue: 14 January 2014

This Certificate lapses: 14 January 2019  
(5 years from endorsement date)



**Andrew Caponas**  
**DEVELOPMENT COMPLIANCE OFFICER**  
Accreditation No: BPB1575

**CONDITIONS****COMPLYING DEVELOPMENT CONDITIONS****Part 7, DIV 2A, Clauses 136A – 136H****Environmental Planning and Assessment Regulation 2000**

(In addition to the conditions prescribed under the Codes SEPP)

- 1) a. All works are to be carried out in accordance with the requirements of the Building Code of Australia.
- b. Residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance being entered into and be in force before any building work authorised to be carried out by the certificate commences.
- 2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- 3) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work related (not being the Council) has given the Council written notice of the following information:
  - a. in the case of work for which a principal contractor is required to be appointed:
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer by which the work is insured under Part 6 of the Act.
  - b. in the case of work to be done by an owner-builder:
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

The commitments identified in the BASIX Certificate and on the plans or specifications are to be fulfilled and maintained for the life of the development.





- 4)
  - a. Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001,
  - b. The person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,
  - c. Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
  - d. If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
- 5) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
  - a. protect and support the adjoining premises from possible damage from the excavation, and
  - b. where necessary, underpin the adjoining premises to prevent any such damage.



## Division 2 Conditions applying to complying development certificates under this code

### Subdivision 1 Conditions applying before works commence

#### 7.3 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

**Note.** See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

#### 7.4 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must:
  - (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the Local Government Act 1993 or
  - (c) be a temporary chemical closet approved under the Local Government Act 1993.

#### 7.5 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

#### 7.6 Notification to neighbours

- (1) The person having the benefit of the complying development certificate must give at least 2 days' notice in writing of the intention to commence the works to the owner or occupier of each dwelling that is situated within 20m of the lot on which the works will be carried out.
- (2) The notice must state that the works may include the removal of asbestos and, if it does, it will be carried out by a licensed person in accordance with the requirements of the Work Health and Safety Regulation 2011.



## 7.7 Adjoining wall dilapidation report

- (1) If on a lot a wall built to a boundary is to be demolished and there is a wall (the **adjoining wall**) on the lot adjoining that boundary that is less than 0.9m from that boundary, the person having the benefit of the complying development certificate must obtain a dilapidation report on the adjoining wall.
- (2) If the person preparing the report is denied access to the adjoining lot for the purpose of inspecting the adjoining wall, the report may be prepared from an external inspection of the adjoining wall.
- (3) In this clause:  
**dilapidation report** means a report, prepared by a professional engineer, confirming the structural condition of the adjoining wall before the development commences.

## Subdivision 2 Conditions applying during the works

**Note.** The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

## 7.8 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

## 7.9 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

## 7.10 Sedimentation and erosion controls

Run-off and erosion controls must be effectively maintained until the site has been stabilised and landscaped.

## 7.11 Maintenance of site

- (1) Demolition materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Demolition materials and waste materials must be disposed of at a waste management facility.
- (3) The work site must be left clear of waste and debris at the completion of the works.