

NORTHERN BEACHES COUNCIL

5 June 2017



Craig Nguyen
30 Montague Street
BALMAIN NSW NSW 2041

Dear Sir/Madam

Application Number:	Mod2017/0063
Address:	Lot 12 DP 1197725 , 80 Evans Street, FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2014/0875 granted for Demolition and Excavations works and Construction of Seniors Housing Registered Club Childcare Centre and associated carparking and landscaping Harbord Diggers Club site

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's eServices website at www.warringah.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on (02) 9942 2111 or via email quoting the application number, address and description of works to council@warringah.nsw.gov.au

Regards,

Rodney Piggott
Development Assessment Manager

NOTICE OF DETERMINATION

Application Number:	Mod2017/0063
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Craig Nguyen
Land to be developed (Address):	Lot 12 DP 1197725 , 80 Evans Street FRESHWATER NSW 2096
Proposed Development:	Modification of Development Consent DA2014/0875 granted for Demolition and Excavations works and Construction of Seniors Housing Registered Club Childcare Centre and associated carparking and landscaping Harbord Diggers Club site

DETERMINATION - APPROVED

Made on (Date)	01/06/2017
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The request to modify the above-mentioned Development Consent has been approved as follows:

Modify Condition No. 6 - General Requirements (Part a) - to read as follows:

Unless authorised by Council:

Building and construction and delivery of material hours are restricted to:

- a. 7.00 am to 5.00 pm inclusive Monday to Friday;
- b. 8.00 am to 1.00 pm inclusive on Saturday;
- c. No work on Sundays and Public Holidays.

With the exception of the following;

- Monday - Friday - extend working time from 5.00 pm to 7.00 pm for internal finishing works once facade is installed and all openings are sealed;
- Saturday - extend working hours from 1.00 pm to 4.00 pm for internal finishing once facade is installed and all openings are sealed.

Add Condition No. 45A - Noise Impact on Surrounding Areas - to read as follows:

Any noise from the premises during the extended working hours shall not be audible above the background level when measured from within any property boundary and will comply with the Environmental Protection Authority's NSW Industrial Noise Policy and any appropriate legislation to prevent offensive noise.

The activity of any workers in the hour before and the hour after extended hours i.e. loading and unloading of equipment from vehicles, congregation of works, movement of vehicles and volume of any radio/music shall be managed to reduce the impact of noise to surrounding residential properties.

Reason: To ensure that noise generated from the premise does not create offensive noise (DACHPGOG5)

Add Condition No. 45B - Acoustic Report - to read as follows:

The following recommendations made in the Acoustic Report (Extended Working Hours Acoustic Report by ref. 20160551.3 Acoustic Logic dated 30 November 2015) are to be implemented during the extended construction hours for the duration of the project:

- 4.1 Proposed works;
- 7.2 Site required management controls;
- 7.5 Acoustic barrier;
- 7.6 Material Handling;
- 7.7 Silencing devices;
- 7.8 Establishment of site practices;
- 7.9 Regular noise checks of equipment;
- 7.10 Noise monitoring;
- 8.1 Establishment of direct communication with affected parties;
- 8.2 Dealing with complaints;
- 9 Staff training;
- 10 Noise and vibration monitoring, reporting and response procedures; and
- 10.1 Reporting requirements.

Reason: To protect the acoustic amenity of neighbouring properties. (DACHPGOG5)

Add Condition No. 45C - Acoustic Report - to read as follows:

A telephone complaints hotline is to be established and manned between the hours of:

- 6:00am - 8:00pm - Monday to Friday; and
- 7:00am - 5:00pm - Saturday.

The complaints hotline telephone number is to be distributed to all surrounding residential properties prior to the extended construction hours commencing and is to be displayed in a prominent location upon on the site hoarding for the duration of works.

The *Northern Beaches Council - Executive Manager Development Assessment* is to be notified in writing 7 days prior to the extended construction hours commencing and indicating which properties have been provided a copy of the hotline number.

Complaints received through the hotline are to be addressed immediately by the Site Manager to rectify any unacceptable noise, logged and provided to an acoustic engineer for potential corrective action.

The log is to detail who made the call, at what date and time, what the complaint was, what immediate action was taken and what on-going action has been undertaken.

The log is to be available to Council upon request and will be considered in future Section 96 applications for the site.

Reason: To ensure development minimises unreasonable impacts in accordance with WLEP and WDCP 2011.
(DACPLB02)

Important Information

This letter should therefore be read in conjunction with DA2014/0875 dated 1 December 2014.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Section 97AA of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

Right to Review by the Council

You may request the Council to review the determination of the application under Section 96AB of the Environmental Planning and Assessment Act 1979. Any request to review the application must be lodged and determined within 28 days after the date of the determination shown on this notice.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority

Signature _____

Name Rodney Piggott, Development Assessment Manager

Date 01/06/2017