



Warringah Council

## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/677

### DEVELOPMENT APPLICATION DETAILS

Applicant Name: Warringah Council

Applicant Address: 725 Pittwater Road, Dee Why

Land to be developed (Address): Lot 1, DP 784268, Lot PT1, DP 114027, Lot 6, DP 785409 and Lot B, 966128, Pittwater Road, Brookvale – Brookvale Oval

Proposed Development: Demolition of existing ticket box and the construction of a new entry turnstile and box office

### DETERMINATION

Made on (Date): 1 November 2007

Consent to operate from (Date): 1 November 2007

Consent to lapse on (Date): 1 November 2010

Details of Conditions

***The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.***

#### **NOTE:**

*If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.*

*Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, Council has varied the provisions of Section 95(1) and advise that the consent will lapse 3 years from the date upon which the consent operates.*

*Section 95A of the Environmental Planning and Assessment Act 1979, allows for an extension of 1 year to the period in which the consent will lapse, except for complying development. Such an application must be made in accordance with Clause 114 of the Environmental Planning and Assessment Regulation 2000.*



## GENERAL CONDITIONS

### CONDITIONS THAT IDENTIFY APPROVED PLANS

#### 1. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing		Date
Site Plan	identified as drawing No. 1 Prepared by Massdesign Architects	7/08/07 (as amended)
Demolition Plan	identified as drawing No. 2 Prepared by Massdesign Architects	15/08/07

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Note:** Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** To ensure the work is carried out in accordance with the determination of Council and approved plans. **[A1 (1)]**

#### 2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) shall be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**Reason:** To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance. **[A2]**

#### 3. Demolition of Extra Fabric

Alterations to, and demolition of the existing building shall be limited to that shown on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the approved development. **[A3]**

#### 4. Separate Development Application

The emergency vehicle parking and cycle path is not approved as part of this Development Application and is subject to a separate Development Application.



**Reason:** To ensure compliance with the plans.

## CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### 5. Design for Access & Mobility

Access/egress/services and facilities including external and interior access are required in accordance with the provisions of AS 1428.1 (2001) - Design for Access and Mobility.

The building being adequately adjusted where required complying with the provisions of the *Disability Discrimination Act (1992)*. Note that any approval granted by Council does not necessarily guarantee compliance or otherwise with the *Disability Discrimination Act (1992)* and the applicant should investigate their liability under the Act. You are directed to the following sources to achieve compliance with the DDA: -

- (a) AS 1428.1 (2001) - Design for Access and Mobility
- (b) Advisory Notes on Access to Premises - Human Rights and Equal Opportunity Commission (1998)
- (c) Disability Discrimination Act (1992)

Details are to be submitted and approved by Council / Accredited Certifier prior to the issue of a Construction Certificate.

**Reason:** To ensure equitable access to members of the community to all public facilities. **[C5]**

### 6. Roofing Materials - Reflectivity

The external finish to the roof shall have a medium to dark range in order to minimise solar reflections to neighbouring properties. The metal roof shall not be of light colours such as off white, cream, silver or light grey colours. Details are to be submitted with the Construction Certificate.

**Reason:** To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development. **[C55]**

### 7. No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details demonstrating compliance are to be provided in the Construction Certificate.

**Reason:** To ensure quality built form of the development. **[C57]**

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT



## 8. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

**Reason:** *Legislative requirements. [D3]*

## 9. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in Accordance with section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Reason:** *Legislative requirement for the naming of the PCA. [D4]*

## 10. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

**Reason:** *Statutory requirement. [D5]*

## 11. Protection of Trees

All trees that are specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained for the life of the development and protected during demolition, excavation and construction on the site. Protection methods shall be provided to the Principal Certifying Authority by an appropriately qualified person prior to commencement of any works on the site.

**Reason:** *To ensure compliance with the requirement to retain significant planting on the site. [D10]*

## 12. Demolition Work Method Statement

(A) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Demolition Work Method Statement to the satisfaction of the Principal Certifying Authority and a copy of the endorsed Statement sent to the Principal Certifying Authority. A copy of the PCA endorsed Statement must also be submitted to the WorkCover Authority.

The Statement must be in accordance with *AS2601 Demolition of Structures*, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-

- (a) Enclosing and making the site safe;
- (b) Induction training for on-site personnel;
- (c) Inspection and removal of asbestos, and contamination and other hazardous materials as applicable.



- (d) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition operations describing the procedures by which waste will be minimised, managed and recycled and including:-
- (i) Type and quantities of material expected from demolition and excavation;
  - (ii) Name and address of transport company;
  - (iii) Address of proposed site of disposal;
  - (iv) Name/address of company/organisation accepting material;
  - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
  - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
  - (vii) Material for disposal and justification of disposal;

If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

- (e) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

- (f) Disconnection of Gas and Electrical Supply;

- (g) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

- (h) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this site.

- (i) Waterproofing of any exposed surfaces of adjoining buildings, where applicable;

- (j) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the *Protection of the Environment Operations Act 1997*.

- (k) Working hours, in accordance with this Development Consent;

- (l) Confinement of demolished materials in transit; and

- (m) Proposed truck routes.

(B) All relevant requirements of the Demolition Work Method Statement must be implemented during the demolition and/or excavation period of the development.

(C) Demolition by induced collapse, the use of explosives or on-site burning is not permitted.

**Note:** The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.

**Reason:** To ensure that all waste materials are disposed of adequately. **[D19]**



## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 13. Sign on Site

A visually prominent sign to be erected and maintained on-site adjacent to the property's access point, for the duration of the landfill works. This condition must be complied with during demolition and building work.

**Reason:** *Proper identification of landfill works. [E2]*

### 14. Progress Inspections

The Principal Certifying Authority shall be given two (2) working days notice for inspection of the following:

- (a) After excavation for, and prior to the placement of any footings.
- (b) Prior to pouring any in-situ reinforced concrete building element.
- (c) Prior to covering of the framework for any floor, wall roof or other building element.
- (d) Prior to covering waterproofing or damp proofing in any wet areas.
- (e) Prior to covering stormwater drainage connections.
- (f) After the building work has been completed and prior any Occupation Certificate being issued in relation to the building.

Notes:

- (1) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

**Reason:** *Compliance, health and safety. [E10]*

### 15. Replacement of Principal Certifying Authority

If the person exercising the benefits of development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

**Reason:** *Statutory requirement. [E11]*

### 16. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety



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signs must be erected that; warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at [www.WorkCover.nsw.gov.au](http://www.WorkCover.nsw.gov.au).

**Reason:** *To ensure the health and safety of the community and workers on the site. [E30]*

## 17. Contaminated Waste

Any removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

- (a) Permission of the land owner;
- (b) Development consent from the relevant local Council (if required);
- (c) An environment protection licence from the NSW Environment Protection Authority; and
- (d) Compliance with the provisions of the Protection of the Environment and Operations Act.

This Condition shall be complied with during demolition and building work.

**Reason:** *To protect the environment from contaminated material from development sites. [E32]*

## 18. Demolition Works

All Demolition Work shall be carried out in a safe manner by trained personnel under the management of a licensed demolisher who is registered with the WorkCover Authority, in accordance with the:-

- (a) Approved Demolition Work Method Statement;
- (b) Australian Standard AS2601 Demolition of Structures;
- (c) Relevant Codes of Practice and guidelines of the WorkCover Authority (NSW);
- (d) Relevant provisions of the *Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001*; and
- (e) All other relevant Acts and Regulations.

**Reason:** *To ensure a satisfactory standard of demolition works.*

(2) All demolition works shall comply with the following requirements:

- (a) Demolished materials shall not be stockpiled and are to be removed from the site within seven (7) days of demolition unless such material is to be re-used in the development on the site in which case all such material to be re-used is to be stored in a clean and tidy manner and not within the dripline an any tree;
- (b) Materials shall not be used for the purposes of fill;
- (c) Burning off of any demolition material on site is not permitted;



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- (d) Demolition is not to commence until required fences, hoardings and sedimentation control measures are in place (refer to other conditions of this consent);
- (e) Adequate fire precautions are to be taken at all times to prevent the possibility of fire;
- (f) The site is to be kept free from vermin at all times and control measures implemented prior to demolition commencing should vermin be present on the site;
- (g) Waste containers are to be stored wholly within the property and not on the public footpath, place or road unless otherwise approved in writing by Council;
- (h) The site is to be cleared of all debris and left in a clean and tidy condition at the completion of all works;
- (i) The use of explosives is not permitted;
- (j) All spillage of materials on the public footpaths or roadways are to be removed immediately.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity, a satisfactory standard of demolition works and that all waste materials are disposed of adequately. **[E45]**

## OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

### 19. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Reason:** Prescribed - Statutory. **[F1]**

### 20. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that un-authorized entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Reason:** Statutory requirement. **[F9]**

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE





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## 21. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use or occupation of those parts of the building.

**Reason:** *To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

### Right to Review by the Council

You may request the Council to review the determination of the application under Section 82A of the Environmental Planning & Assessment Act 1979. Any request to review the application must be within 12 months after the date of determination shown on this notice.

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

### Right of Appeal

If you are dissatisfied with this decision Section 97 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**Signed** \_\_\_\_\_ on behalf of the consent authority

Signature \_\_\_\_\_  
Name

Date 1 November 2007