

Reference:
Enquiries: Brett Franklin



Miss P F Atkins

COMPLYING DEVELOPMENT CERTIFICATE

Issued under section 85A of the *Environmental Planning and Assessment Regulation 1979* and State *Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

CERTIFICATE NO.	CD014/2015
OWNERS DETAILS	
Name of owner/s:	Miss P F Atkins
Address:	17/7-17 Sinclair Street WOLLSTONECRAFT NSW 2065
DEVELOPMENT ADDRESS	
Property Description:	Lot: 347 DP: 11162
Address:	17 Waterview Street SEAFORTH NSW 2092
DESCRIPTION OF DEVELOPMENT:	
Description:	Demolition of an existing dwelling
CLASSIFICATION OF BUILDING	
Classification:	1a
DATE OF COMPLYING DEVELOPMENT CERTIFICATE APPLICATION	
Date of application:	29 January 2015
DATE OF CERTIFICATE:	
	16 February 2015
DATE CERTIFICATE LAPSES:	
	16 February 2020

APPROVED PLANS AND SPECIFICATIONS

The following plans and specifications were used to determine the application:

Plans Title	Prepared By:	Date:	Reference:
Waste Management Plan	Gabrael House Demolition	20/01/15 Received 29/01/15	N/A
Statement of Environmental Effects Plan	Gabrael House Demolition	Received 29/01/15	N/A
Soil Erosion & Noise Management	Gabrael House Demolition	Received 29/01/15	N/A
Work Method Statement	Gabrael House Demolition	Received 29/01/15	N/A
Site Survey Plan	Unknown	Received 29/01/15	N/A

I, Brett Franklin of Manly Council, as the certifying authority, certify that the development is complying development and (if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by this regulation concerning the issue of the certificate.

Date: 16 February 2015

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Brett Franklin
Accredited Certifier
BPB Accreditation No: 1450

Prescribed Conditions from the *Environmental Planning & Assessment Regulation 2000*

Condition 136A

Compliance with Building Code of Australia and insurance requirements under the *Home Building Act 1989*

- 1) A complying development certificate for development that involves any building work must be issued subject to the following conditions:
 - a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - b) in the case of 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, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
- 1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made).
- 2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.
- 3) This clause does not apply:
 - a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.
- 4) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Condition 136B

Erection of signs

- 1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with.
- 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 site is prohibited.
- 3) 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.
- 4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.

- 5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- 6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Condition 136C

Notification of *Home Building Act 1989* requirements

- 1) A complying development certificate for development that involves any residential building work within the meaning of the *Home Building Act 1989* must be issued subject to a condition that the work is carried out in accordance with the requirements of this clause.
- 2) 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 relates (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 that 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.
- 3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- 4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Condition 136D

Fulfilment of BASIX commitments

- 1) This clause applies to the following development:
 - a) BASIX affected development,
 - b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).
- 2) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

Condition 136E

Development involving bonded asbestos material and friable asbestos material

- 1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions:
 - 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 458 of the *Work Health and Safety Regulation 2011*,
 - 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.
- 2) This clause applies only to a complying development certificate issued after the commencement of this clause.
- 3) In this clause, ***bonded asbestos material***, ***bonded asbestos removal work***, ***friable asbestos material*** and ***friable asbestos removal work*** have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition undertaken in relation to complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* must be carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

Condition 136H

Condition relating to shoring and adequacy of adjoining property

- 1) A complying development certificate for development must be issued subject to a condition that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.
- 2) The condition referred to in subclause (1) does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Condition 136I

Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of Roads and Maritime Services as referred to in clause 4 (1) (k) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of Roads and Maritime Services must be complied with.

Condition 136J

Development on contaminated land

- 1) If an application for a complying development certificate is required to be accompanied by a statement of a qualified person as referred to in clause 4 (1) (l) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the statement must be complied with.
- 2) Subclause (1) does not apply to complying development carried out under the complying development provisions of *State Environmental Planning Policy (Three Ports) 2013* in the Lease Area within the meaning of clause 4 of that Policy.

Condition 136K

When complying development certificates must be subject to section 85A (9) condition

- 1) This clause applies if a council's contributions plan provides for the payment of a monetary section 94 contribution or section 94A levy in relation to development for a particular purpose (whether or not it is classed as complying development under the contributions plan).
- 2) The certifying authority must issue the relevant complying development certificate authorising development for that purpose subject to a condition requiring payment of such contribution or levy, as required by section 85A (9) of the Act.
- 3) Subclause (2) applies despite any provision to the contrary in the council's contributions plan.

Condition 136L

Contributions and levies payable under section 85A (9) must be paid before work commences

- 1) A complying development certificate issued subject to a condition required by section 85A (9) of the Act must be issued subject to a condition that the contribution or levy must be paid before any work authorised by the certificate commences.
- 2) Subclause (1) applies despite any provision to the contrary in the council's contributions plan.

Condition 136M

Condition relating to payment of security

- 1) This clause applies to a complying development certificate authorising the carrying out of development if:
 - a) the development is demolition of a work or building, erection of a new building or an addition to an existing building and the estimated cost of the development (as specified in the application for the certificate) is \$25,000 or more, and
 - b) the development is to be carried out on land adjacent to a public road, and
 - c) at the time the application for the certificate is made, there is specified on the website of the council for the area in which the development is to be carried out an amount of security determined by the council that must be paid in relation to:
 - i) development of the same type or description, or
 - ii) development carried out in the same circumstances, or
 - iii) development carried out on land of the same size or description.
- 2) A complying development certificate to which this clause applies must be issued subject to a condition that the amount of security referred to in subclause (1) is to be provided, in accordance with this clause, to the council before any building work or subdivision work authorised by the certificate commences.
- 3) The security may be provided, at the applicant's choice, by way of:
 - a) deposit with the council, or
 - b) a guarantee satisfactory to the council.
- 4) The funds realised from a security may be paid out to meet the cost of making good any damage caused to any property of the council as a consequence of doing anything (or not doing anything) authorised or required by the complying development certificate, including the cost of any inspection to determine whether damage has been caused.
- 5) Any balance of the funds realised from a security remaining after meeting the costs referred to in subclause (4) is to be refunded to, or at the direction of, the person who provided the security.

Condition 136N

Principal certifying authority to be satisfied that preconditions met before commencement of work

- 1) This clause applies to building work or subdivision work that is the subject of a complying development certificate.
- 2) A principal certifying authority for building work or subdivision work to be carried out on a site, and over which the principal certifying authority has control, is required to be satisfied that any preconditions in relation to the work and required to be met before the work commences have been met before the work commences.

Prescribed Conditions from the State Environment Planning Policy (Exempt and Complying Development Codes) 2008

Schedule 9 Conditions applying to complying development certificates under the Demolition Code.

Note 1. Complying development under the Demolition Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2. Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3. In addition to the requirements specified for development to be complying development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4. If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5. Under section 86A of the *Environmental Planning and Assessment Act 1979* a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

PART 1 CONDITIONS APPLYING BEFORE WORKS COMMENCE

Condition 1 - 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 the 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. Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

Condition 2 - 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*.

Condition 3 - Waste management

- 1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.
- 2) The waste management plan must:
 - a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - b) identify the quantity of waste material in tonnes and cubic metres to be:
 - i) reused on-site, and
 - ii) recycled on-site and off-site, and
 - iii) disposed of off-site, and
 - c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- 3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- 4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Condition 4 - Adjoining wall dilapidation report

- 1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- 2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

Condition 5 - Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas, and
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- c) preventing the tracking of sediment by vehicles onto roads, and
- d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

PART 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.

Condition 6 – 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.

Condition 7 – Compliance with plans

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

Condition 8 - Demolition

Any demolition must be carried out in accordance with AS 2601 – 2001, *The demolition of structures*.

Condition 9 – Maintenance of site

- 1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 3) Copies of receipts stating the following must be given to the principal certifying authority:
 - a) the place to which waste materials were transported,
 - b) the name of the contractor transporting the materials,
 - c) the quantity of materials transported off-site and recycled or disposed of.
- 4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- 5) During construction:
 - a) all vehicles entering or leaving the site must have their loads covered, and
 - b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 6) At the completion of the works, the work site must be left clear of waste and debris.

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