

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: 2008/0925

DEVELOPMENT APPLICATION DETAILS

Applicant Name: Eric David Downs

Applicant Address: 9 Coral Street, Balgowlah NSW 2093

Land to be developed (Address): Lot 250 and DP 11497, 5 Tottenham Street, North Balgowlah

Proposed Development: Demolition of existing on-site structures

DETERMINATION

Made on (Date): 21 August 2008

Consent to operate from (Date): 27 August 2008

Consent to lapse on (Date): 27 August 2011

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 Number	Dated	Prepared By
01 - 2	01/11/05	Donovan Associates

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

2. Bond for Engineering Construction Works - Kerb and Gutter, Footpath and Vehicular Crossings

A Bond of \$2000 shall be deposited with Council prior to the commencement of works and kerb deposit of \$200 against any damage or failure to complete the construction of any vehicular crossings, kerb and gutter and any footpath works required as part of this consent.

Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure. **(DACECbekgf)**

3. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed of the date demolition work is proposed to commence.

Reason: Administrative requirement. **(DACGDnc)**

4. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the demolition of a building is being carried out:

* stating that unauthorised entry to the work site is prohibited;

- (2) Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

Reason: Statutory requirement. **(DACGDss)**

5. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer; or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.
- (4) In this clause:

accredited sewage management facility means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in of the Regulation.

approved by the Council means the subject of an approval in force under the Local Government (General) Regulation 2005.

public sewer has the same meaning as it has in the Local Government (General) Regulation 2005.

sewage management facility has the same meaning as it has in the Local Government (General) Regulation 2005.

Reason: To ensure adequate facilities are provided for workers on the site.
(DACGDt)

6. Protection of Trees During Works

All trees that are to be specifically nominated to be retained by notation or condition as a requirement of development consent shall be maintained and protected during demolition, excavation and construction on the site.

Reason: To ensure compliance with the requirement to retain significant planting on the site. ***(DACLDptdw)***

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. Installation and Maintenance of Sediment Control

Techniques used for erosion and sediment control on building sites are to be adequately maintained at all times and must be installed in accordance with Warringah Council Specifications for Erosion and Sediment Control. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised.

Reason: *To protect the environment from the effects of sedimentation and erosion from development sites. (DACEEimsc)*

8. 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 all relevant Acts, Regulations and Australian Standards.

Note: The following Australian Standard applied at the time of determination

- Australian Standard AS2601.2001 - Demolition of Structures

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

9. Excavations

All excavations associated with the demolition of buildings must be limited to removal of footings and paving and is to be executed safely and in accordance with appropriate professional standards.

Reason: *To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. (DACGEeb)*

10. Health and Safety

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements.

Reason: *To ensure the health and safety of the community and workers on the site. (DACGEhs)*

11. Plant & Equipment Kept Within Site

All plant and equipment used in the demolition of the buildings shall be situated within the boundaries of the site and so placed that all debris and the like shall be contained within the site boundaries. This condition shall be complied with during demolition work.

Reason: *To ensure public safety and amenity on public land. (DACGEpekws)*

12. Plans on Site

A copy of all stamped approved plans, specifications and documents shall be kept on site at all times so as to be readily available for perusal by any officer of Council.

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.*
(DACGEpos)

13. Dust emission and air quality

Materials must not be burnt on site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the Landcom's Managing Urban Stormwater: Soils and Construction (The 'Blue Book'). Odour suppression measures must be carried out so as to prevent nuisance occurring at neighbouring properties.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*
(DACHEdeaq)

14. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Department of Environment and Climate Change (formerly) Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity.*

15. Removal of Friable Asbestos

Anyone who removes, repairs or disturbs friable asbestos material must hold a current friable asbestos removal licence.

Prior to the commencement of work a site-specific permit approving each friable asbestos project must be obtained from WorkCover.

Reason: *To comply with WorkCover requirements.* **(DACHErfa)**

16. Removing, Handling and Disposing of Asbestos

Any works involving asbestos based products in relation to removal, handling and disposing of material must be undertaken in accordance with all relevant Acts, Regulations, Guides and Codes.

Note: The following standards applied at the time of determination:

- Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and
- Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily.* **(DACHErhda)**

17. Removal of Hazardous Material

Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority and the provisions of all relevant Acts, Regulations and Guidelines.

Note: The following standards applied at the time of determination:

· Environment Protection Authority's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

Reason: *To ensure that the land is suitable for the proposed development and that contaminating material required to be removed from the property is removed in accordance with the prescribed manner. (DACHErh)*

18. Removal of Lead

All work involving lead removal must not cause lead contamination of air or ground and must be carried out in accordance with the relevant Australian Standards. Particular attention must be given to the control of dust levels on the site.

Note: The following standard applied at the time of determination:

- Australian Standard AS4361.2 - Guide to lead paint management - Residential and commercial buildings

Reason: *To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily. (DACHEri)*

19. Site Stabilisation

Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully re-turfed and the site must be maintained in a safe and clean state until such time as new construction works commence.

Reason: *To retain topsoil and minimise dust pollution. (DACHEss)*

20. Tree Preservation Order

The land is subject to a Tree Preservation Order and no trees other than those expressly granted permission as a result of this development consent, may be removed without the prior consent of Council.

Reason: *Protection of trees. (DACLEtpo)*

21. Aboriginal Heritage

If in undertaking excavations or works, any Aboriginal site or object is, or is thought to have been found, all works are to cease immediately and the applicant is to contact the Aboriginal Heritage Officer for Warringah Council, and the Cultural Heritage Division of the Department of Environment and Climate Change (DECC).

Any work to a site that is discovered to be the location of an Aboriginal object, within the meaning of the National Parks and Wildlife Act 1974, requires a permit from the Director of the DECC.

Reason: *Aboriginal Heritage Protection. (DACGEah)*

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 Ryan Cole
 Team Leader – Development Assessment

Date 27 August 2008