



NOTICE OF DETERMINATION

Application Number: DA2009/0307

APPLICATION DETAILS

Applicant Name and Address: I and O Fisk
32 Eileen Street
NORTH BALGOWLAH 2093

Land to be developed (Address): Lot 114 DP 11915 32 Eileen Street
NORTH BALGOWLAH 2093

Proposed Development: Demolition of existing structures

DETERMINATION - APPROVED

Made on (Date): 24 March 2009

Consent to operate from (Date): 24 March 2009

Consent to lapse on (Date): 24 March 2012

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:

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
Ref: 29903897	01/12/08

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 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)

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

6. 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)**

7. 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)**

8. Excavation / Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

9. Support for Neighbouring Buildings

(1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

(a) must preserve and protect the building from damage;

(b) if necessary, must underpin and support the adjoining building in an approved manner Subject to adjoining owner's consent; and

(c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

(2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

(3) In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage. **(DACGEg)**

10. 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)*

11. 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)*

12. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,
a hoarding and site fencing must be erected between the work site and the public place.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained.

Reason: *To ensure public safety and the proper management of public land. (DACGEppp)*

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. 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)*

16. 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)*

17. 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)*



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 Keith Wright
 Senior Development Assessment Officer

Date 24 March 2009