



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Development Application No: DA 2007/267

DEVELOPMENT APPLICATION DETAILS

Applicant Name: *Hamid Najafabadi Rouhani*

Applicant Address: *7 Cavan Road Killarney Heights NSW 2087*

Land to be developed (Address): Lot 344, DP 216441, 173 Starkey Street Killarney Heights

Proposed Development: *Demolition of the Existing Dwelling and all Ancillary Structures*

DETERMINATION

Made on (Date): 5 May 2007

Consent to operate from (Date): 5 May 2007

Consent to lapse on (Date): 5 May 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:

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
Sheet 1 of 1 prepared by burton and field p/l Consulting Surveyors	12/01/2007

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 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.

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]

CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO COMMENCEMENT OF WORKS

3. Kerb Security Bond

A bond of \$550-00 shall be deposited with Council and inspection fees paid, prior to commencement of works, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

Reason: To ensure appropriate security is in place for the protection or repair of Public Infrastructure. [C16]

4. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to commencement of works:

SECURITY BOND & FEE SCHEDULE	
73 Starkey Street Killarney Heights (Property address)	
DEVELOPMENT APPLICATION NUMBER 2007/0267	
SECURITY BONDS	AMOUNT (\$)
Tree Damage Bond (within the site)	
Street Tree Bond (on Council Property)	
Builders Road/Kerb Security Bond	\$550-00
TOTAL BONDS	\$550-00
FEES	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	
Long Service Levy	
Others	
TOTAL FEES	\$200-00
Progress Inspections if Council is the PCA	\$275-00

***Reason:** Compliance with the development consent. [C71]*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

5. Silt & Sediment Control

Provision shall be made throughout the period of demolition / Excavation & Construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

***Reason:** To avoid siltation to adjoining properties and waterways. [D1]*

6. 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 of the date construction work is proposed to commence.

***Reason:** Administration requirement. [D4]*

7. 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]

8. 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. Protection methods shall be provided to Council prior to commencement of any works on the site.

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

9. Temporary Fences and Tree Protection

All protected trees on-site shall be tagged with luminous tape or the like for purposes of identification prior to excavation or construction, and no materials or builder's waste are to be stored in the vicinity of the tree / trees.

Appropriate fencing or barricades, not less than the distance shown in the schedule hereunder, shall be installed to the satisfaction of Council prior to demolition or commencement of any building works and maintained for the duration of the works:

SCHEDULE

Description of Tree	Distance
All trees on site	2 metres

Reason: To protect the trees to be retained on the site during construction works. [D11]

10. Inspection Fees

Inspection fees and component certification fees must be paid to Council before Council will undertake any inspections. These fees may be paid at the time of submission of the required Notice of Commencement of works.

Reason: Statutory requirement and information. [D14]

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. Progress Inspections



Council SHALL BE given two (2) working days notice for inspection after the demolition building work has been completed.

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

12. Noise and Vibration

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with 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 and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E17]*

13. Dust Emission and Air Quality

Materials must not be burnt on the 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 NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

Reason: *To ensure residential amenity is maintained in the immediate vicinity. [E18]*

14. Protection of Trees

The following tree/trees are required to be retained as part of the development consent:

All trees that are not listed as exempt or noxious in Warringah , All retained trees are to be protected and no damage to limbs , trunks or roots is to be caused by the demolition works.

Reason: *Protection of existing environmental infrastructure and community assets. [E22]*

15. Demolition Hours

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).



The demolisher and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

***Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

16. 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 guidelines. All techniques shall remain in proper operation until all development activities have been completed and the site fully stabilised. This Condition must be complied with during demolition and building work.

***Reason:** To protect the environment from the effects of sedimentation and erosion from development sites. [E28]*

17. 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 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.

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

18. Prohibition on Use of Pavements

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

***Reason:** To ensure public safety and amenity on public land. [E35]*

19. Plant & Equipment Kept Within Site

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged



onto the building site, and is to be contained within the site boundaries. This condition shall be complied with during demolition and building work.

Reason: *To ensure public safety and amenity on public land. [E36]*

20. Trees

- (1) Tree roots of 50mm or greater in diameter encountered during excavation, shall only be cut following consultation with a qualified Arborist. Tree roots between 10mm and 50mm in diameter, severed during excavation, shall be cut cleanly by hand.

Reason: *Protection of trees. [E37 (2)]*

- (2) The following guidelines are to be complied with at all times:
 - (a) The applicant shall ensure that at all times during the development period no activities, storage or disposal of materials shall take place beneath the canopy of any tree covered under Council's Tree Preservation Order unless specifically approved by Council.
 - (b) Trees marked for retention are not to be damaged or used to display signage, or as fence or cable supports for any reason.
 - (c) Siting of sheds, stockpiles and vehicle parking should be sited so that they are remote from trees.
 - (d) Site personnel are to be made aware of tree requirements and protective measures. Paving materials placed within the dripline of any tree should be of a porous material.

Reason: *Protection of trees. [E37 (5)]*

- (3) During the construction period the applicant is responsible for ensuring all protected trees are maintained in a healthy and vigorous condition. This is to be done by ensuring that all identified tree protection measures are adhered to. In this regard all protected plants on this site shall not exhibit:
 - (a) A general decline in health and vigour.
 - (b) Damaged, crushed or dying roots due to poor pruning techniques.
 - (c) More than 10% loss or dieback of roots, branches and foliage.
 - (d) Mechanical damage or bruising of bark and timber of roots, trunk and branches.
 - (e) Yellowing of foliage or a thinning of the canopy untypical of its species.
 - (f) An increase in the amount of deadwood not associated with normal growth.
 - (g) An increase in kino or gum exudation.
 - (h) Inappropriate increases in epicormic growth that may indicate that the plants are in a stressed condition.
 - (i) Branch drop, torn branches and stripped bark not associated with natural climatic conditions.



The presence of any of these symptoms or signs may be considered by Council as a breach of the Conditions of Development Approval.

Reason: Protection of trees. [E37 (6)]

21. 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 of 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;
- (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

22. Demolition

Demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.

Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage. [F6]

23. 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. [F7]

24. 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 unauthorised 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
- (2) Any such sign must be maintained while the 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]

25. 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. [F10]*



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 Team Leader

Date 5 May 2007