

Development Assessment Report - Part 2

**Development Application No
Proposal**
Legal Description
Property Address

DA0173/22
Demolition of Heritage Item - Allambie Cottages
Lot A DP 14931
Lot B DP 14931
1256 Bells Line Of Road KURRAJONG HEIGHTS NSW 2758

Recommendation

That development application DA0173/22 at (Lot A DP 14931, Lot B DP 14931), 1256 Bells Line Of Road KURRAJONG HEIGHTS NSW 2758 for Demolition - Demolition of Heritage Item - Allambie Cottages be supported by the following conditions of consent should approval be granted by the Sydney West City Planning Panel:

Draft Conditions

General Conditions

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

a) Plans Reference:

Drawing Reference No.	Drawing Description	Prepared by	Issue No.	Date
1 of 2	Site Plan	Barker Ryan Stewart	B	16 May 2022
2 of 2	Site Plan	Barker Ryan Stewart	B	16 May 2022
1 of 1	Construction Management Plan	Barker Ryan Stewart	B	16 May 2022
LA01	Landscape Plan	Taylor Brammer	A	10 February 2022

b) Document Reference:

Document Title	Reference	Prepared By	Date
Assessment of Heritage Significance Report	Ref No. 21-091	CCG Architects	January 2022
Preliminary Site Investigation Report	Ref No. 24002281.001A	Kleinfelder	06 October 2023
Waste Management Plan	Ref No. 210544	Barker Ryan Stewart	16 May 2022

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.



Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

2. **Asbestos Removal**

If asbestos containing materials are encountered during construction or demolition work; measures must be in place in accordance with SafeWork NSW guidelines and the *Occupational Health & Safety Regulation 2001*. Work must not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

In accordance with Safework NSW requirements, a SafeWork NSW licensed Asbestos Removalist is to be engaged to undertake asbestos removal.

Prior to commencing demolition of buildings likely to comprise asbestos containing material(ACM), a commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring 400mm x 300mm must be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent must notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

3. **Archaeology - Discovered During Excavation**

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

4. **Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.



Prior to Any Works Commencing on Site

5. Toilet Facilities

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.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

6. Notice of Commencement

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

7. Safety Fencing

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

8. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work must be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and an appropriate SafeWork NSW Asbestos License and comply with SafeWork NSW Code of Practice 'How to Safely Remove Asbestos';
- c) site safety/security fencing must be provided prior to commencement of any work on-site and must be removed only when all hazards, including site waste, have been removed. The site safety/security fencing must comply with the following Australian Standards:
 - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
 - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
 - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work must be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees must be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures must be installed prior to any demolition works



commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;

- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity must not cause damage to or adversely affect the structural integrity of adjoining buildings;
- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) must be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site must be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

9. Demolition - Notice

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
 - (iii) provide the relevant SafeWork NSW License details of the demolisher/contractor; and
 - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice must:
 - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
 - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
 - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

10. Restriction of Site Access to Prevent Unauthorised Material

The property entry and exit points must be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.



11. Asbestos Material Handling

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 2017*.

In addition to the above, the following must be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifier with a copy of a signed contract with such a person before any development or works commence;
- b) 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;
- c) 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 consent must give the Principal Certifier 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.

12. Demolition - Work Plans

The demolition work must comply with the provisions of Australian Standard AS 2601 - 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 - 'The Demolition of Structures' must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

The work plans and the statement of compliance must be submitted and be to the satisfaction of the Principal Certifier prior to the commencement of works.

13. Erosion and Sediment Control for Minor Development

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Hawkesbury Council's publication *Guidelines for Erosion and Sediment control on a building site (2017)*.

14. Heritage Archival Recording - Demolition

No works are to commence until an archival record of existing buildings on the site has been prepared and submitted to Council. This must include measured drawings and an archival photographic record. This archival record must be prepared in accordance with the Heritage Office's guideline, 'Photographic Recording of Heritage Items using Film or Digital Capture'.

15. Tree Protection Measures

This consent does not authorise the removal of trees unless specifically permitted.

Trees that are shown on the approved plans (or otherwise identified by Council to be preserved) must be protected against damage during construction. The following measures are to be followed during construction:

- a) Tree Protection Zones (TPZ) must be established around trees identified to be retained in accordance with Australian Standard AS 4970 - 'Protection of Trees on Development Sites';
- b) a 1.8 metre high chain mesh fence must be erected around each Tree Protection Zone prior to works and must remain intact until construction is completed;
- c) any excavation works within identified Tree Protection Zones are to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works



that need to be severed, they are to be cut with a saw (not ripped);

- d) TPZ's must be mulched to a minimum depth of 100mm using organic mulch;
- e) fences around Tree Protection Zones must be sign posted to warn of its purpose;
- f) Harmful Materials: the storage of materials, building waste, excavated spoil, cement or similar is not permitted within a TPZ; and
- g) any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - 'Pruning of Amenity Trees, by a suitably qualified Arborist'.

A suitably qualified Consulting Arborist (AQF Level 5) must be in attendance to supervise tree works on site during critical stages of construction, particularly when excavation is occurring within the TPZ of trees nominated for retention.

16. Interpretive Sign

Vandal and weather resistant interpretive signage is to be provided and maintained on the site which gives a brief history of the guest house accommodation which previously occupied the development site.

The signage is to be sized to include an acknowledgment that the land upon which the site is situated traditionally belonged to the Darug, First Nations people. The signage should also include any available historic images of the property and its occupants or any other historic images relating to its former use as guest house accommodation.

Details of the location; materials; size and content of the interpretive signage is to be submitted to Hawkesbury City Council, for its approval, prior to the commencement of any demolition works on the property.

17. Heritage Officer Overview

A suitably qualified and experienced archaeologist be given a watching brief during the day(s) that the demolition for the proposed use takes place on the property.

18. Salvaging of Materials

Re-useable architectural elements and fabric (including internal and external joinery, cladding, masonry, windows, flooring, fittings, and hardware), are to be dismantled, salvaged, and sold to an established dealer in second hand building materials.

A Salvage Schedule itemising the elements and fabric to be salvaged and detailing the proposed methodology for salvage, shall be developed and must be submitted for the approval of Hawkesbury City Council prior to the commencement of any demolition works.

19. Preliminary Site Investigation Requirements

A report is to be prepared with a supporting soil sampling program of the subject site and portion of the road reserve affected by the dwelling house. The report is to be provided to Council 28 days prior to any works commencing. The report and soil testing must address the risks identified in the Table 5.1 and 5.2 'Potential On-Site Sources of Contamination' within the Preliminary Site Investigation Report by Kleinfelder and dated 06 October 2023, Reference No. 24002281.001A

The report is to clearly identify the following:

- a) That the potential sources of contamination identified within the Preliminary Site Investigation Report are satisfied in accordance with NSW EPA Statutory and Non-statutory guidelines.
- b) That the subject site is suitable in its current state or can be made suitable for residential land use.
- c) Whether or not any contamination is at the site that may present a problem to human and ecological receptors including Workers.



- d) Whether or not any future soil sampling will be required.
- e) What works will need to be undertaken to make the residential sites suitable for residential land-use.
- f) Whether or not a Detailed Environmental Site Assessment will be necessary.
- g) Whether or not a Remedial Action Plan will be necessary.

Details demonstrating compliance with the above must be provided to the Certifying Authority prior to works being undertaken on the site.

During Construction

20. Tree Removal

No trees are to be removed without Council approval.

21. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
 - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
 - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
 - (iii) a variation is approved in advance in writing by Council.

22. Sewer Works

The old septic tank system is to be decommissioned in the following manner:

- a) The septic tank/holding well is to be emptied by an authorised wastewater removal contractor and the contents disposed of at an approved wastewater depot;
- b) Receipts for emptying of tanks and disposal of contents are to be submitted to Council;
- c) The septic tank and holding well are to be thoroughly dusted with commercial grade agricultural lime;
- d) The base of the tank is to be punctured (to prevent future holding of water), the lids broken in and the top edges broken down 300mm below ground level; and
- e) The tanks are to be backfilled with clean filling material and finished to the surrounding ground level.
- f) An inspection must be conducted by Hawkesbury City Council's Regulatory Services Branch of the decommissioning prior to backfilling..
- g) To arrange inspections and pay required fees please telephone Customer Service on (02) 4560-4444.

Advisory Notes (if applicable)

(i) Site Contamination Discovered During Demolition or Construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, Council must be immediately notified and works must cease. Works must not recommence on site until an agreed management strategy is developed in consultation with Council.



(ii) **Dial Before You Dig**

Prior to commencement of work, you are required to contact the free national community service 'Dial Before You Dig' on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

(iii) **Requirements of 88B Instrument**

The applicant must make themselves aware of any User Restriction, Easements and Covenants to this property and must comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

(iv) **Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.