

## Memo

**To:** Northern Beaches Local Planning Panel

**From:** Rebecca Englund  
Principal Planner, Development Assessment

**Date:** 18 December 2019

**Subject:** Agenda Item 3.5 (18 December 2019)  
DA2019/0505 – 874-876 Pittwater Road, Dee Why

---

### Status of Draft WLEP 2011

Development Application DA2019/0505 proposes a variation to the maximum building height development standard, consistent with the increased maximum building height proposed in Draft WLEP 2011.

Over the past month, the Parliamentary Counsel Opinion for Draft LEP 2011 has been finalised, agreed to by Council and signed by Parliamentary Counsel. The Department of Planning, Infrastructure and Environment has advised that the outstanding actions required prior to notification of the amendment are:

- Signing by the NSW Governor; note that the Executive Director North District (Department of Planning) has delegation to undertake this step, hence it can be completed at the Department of Planning level.
- Publishing in the NSW Government Notifications.

As of today's date, the amendment has not been signed by the Executive Director. The Department has advised that this is due to the quantity of legislation that is being finalised at present.

Nonetheless, Council's Strategic Planning Department have advised that they consider the notification of the Draft LEP to be imminent.

### Additional submission

In response to the notification of the NBLPP determination meeting, further correspondence was received from the adjoining property owner of 11/10 Oaks Avenue, reiterating concerns regarding the extent of excavation and raising new/additional concerns relating to asbestos.

To address concerns regarding asbestos, the following condition is recommended to be included in the "Conditions to be complied with during demolition and building work" section of the consent:

#### 1. Removing Handling and Disposing of Asbestos

Any asbestos material arising from the demolition process shall be removed and disposed of in accordance with the following requirements:

- a. Work Health and Safety Act
- b. Work Health and Safety Regulation
- c. Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1998)] and

- d. Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)]
- e. Clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005.
- f. The demolition must be undertaken in accordance with Australian Standard AS2601 – The Demolition of Structures.

If asbestos is detected, the site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400 mm x 300 mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

Adjoining property owners are to be given at least seven (7) days' notice in writing of the intention to disturb and remove asbestos from the development site.

Reason: For the protection of the environment and human health.