

# Part C Exempt, Complying, Advertised and Notified Development

## C1 Exempt and Complying Development – Bondi Junction

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## **1.0 INTRODUCTION**

This Part applies to the Bondi Junction Commercial Centre only. For exempt and complying development controls for land outside of the Bondi Junction Commercial Centre, refer to Part C2.

### **1.1 Objective of Part C1**

This Part establishes the criteria for Exempt and Complying Development for the Bondi Junction Commercial Centre under the *Environmental Planning and Assessment Act 1979* (EP & AA 1979).

### **1.2 Relationship to other Plans**

#### **State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP)**

State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP) specifies exempt development and complying development. The Code SEPP has state wide application, and should be read in conjunction with this Part.

#### **Waverley Local Environmental Plan (Bondi Junction) 2010**

Land affected by WLEP (Bondi Junction Centre) 2010, must refer to WLEP (Bondi Junction Centre) 2008 for exempt and complying provisions.

### **1.3 Exempt Development**

Exempt development is development of minor environmental impact that does not require development consent if the work is carried out in accordance with the criteria prescribed in Section 2.0 (a) to (i). Works outside the exempt development criteria in Table 1 (and your development does not fit complying development – see Section 1.4), requires development consent from Council by lodging a development application. If the proposal fulfils the development criteria, then you can obtain a complying development certificate (refer to Section 3.0 – Table 2 of this Part).

### **1.4 Complying Development**

Complying development is development if the work is carried out in accordance with the criteria prescribed in Section 3.0 (a) to (i) as well as the criteria prescribed in Table 2. Complying development requires consent in the form of a complying development certificate. The certificate must be issued by Council or an accredited Private Certifier before construction commences.

If you obtain a complying development certificate, you do not have to go through the development application process as the complying development certificate serves as both development consent and a construction certificate. If you cannot satisfy all of the requirements for complying development then you must lodge a development application.

Standard conditions for complying development are held in Annexure C1-2.

## 1.5 Application of this Part

This Part applies to all activities or works specified under Tables 1 and 2 (in Sections 3.0 and 4.0, respectively) in all land within the Council's Local Government Area (LGA), except:

- (a) if the development is a state significant development,
- (b) if the development is designated development,
- (c) if the development is development for which development consent cannot be granted except with the concurrence of a person other than:
  - (i) the consent authority, or
  - (ii) the Director-General of National Parks and Wildlife Service as referred to in Section 79B of the *Environmental Planning and Assessment Act 1979* (EP & AA 1979), or
- (d) on land that is critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*),
- (e) on land this is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*),
- (f) is a site that has been previously used as a service station or waste storage or waste treatment and a notice of completion of remediation for the proposed use has not been given to Council in accordance with State Environmental planning Policy No.55 – Remediation of Land (SEPP No. 55),
- (g) is reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna or geological formations or other environmental protection purposes,
- (h) is an Aboriginal site under the *National Parks and Wildlife Act 1974*, or
- (i) on land within the foreshore building line as identified in WLEP 1996.

If the activity or work proposed does not comply with the criteria for exempt or complying development, then you must obtain approval by lodging a development application.

The EP & AA 1979 provides for severe penalties if you fail to comply with the criteria for Exempt or Complying Development or if you do not obtain development approval.

## 2.0 EXEMPT DEVELOPMENT

Exempt development is development listed in Table 1 of this Part. The development is only classified as exempt development if all the following criteria are satisfied:

- (a) The development does not cause interference with the amenity of the neighbourhood by reason of such things as noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit or oil.
- (b) The development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

- (c) The development complies with the relevant standards set by this Part.
- (d) The development does not contravene any conditions of development consent applying to the land.
- (e) The development does not obstruct drainage on the site.
- (f) The development is not located on land that is affected by an easement, a water main or a sewer main.
- (g) The development does not restrict vehicular or pedestrian access to, or from the site.
- (h) The development does not require a tree to be removed that would require consent under the Council's Tree Preservation Order.
- (i) A Subdivider/Developer Compliance Certificate has been issued for the development by Sydney Water Corporation under Section 73 of the *Sydney Water Act 1994* where the development involves a change in the type or volume of trade wastes from the premises, or an increase in water or wastewater usage.

The works or activities listed in Table 1 do not require an approval for you to carry out the work. You must however, comply strictly with the exempt development criteria conditions listed in the Table.

## 2.1 Heritage Items or Heritage Conservation Areas

If heritage provisions affect your land (ie. if your land is a heritage item or located in a heritage conservation area under WLEP (Bondi Junction Centre) 2010, you may need to apply to Council for development consent. There are severe penalties if you fail to comply with the exemption conditions.

The 'Exempt Development Criteria' column in Table 1 below establishes whether development consent is required or not.

**Table 1.** Exempt Developments.

Note: State Environmental Planning Policy (Exempt and Complying Code) 2008 (Exempt and Complying Code) and WLEP (Bondi Junction Centre) 2010 also provide provisions relating to exempt development. If the Exempt and Complying Code or WLEP (Bondi Junction Centre) 2010 covers the same development type listed in this Part as exempt development, the Exempt and Complying Code or WLEP (Bondi Junction Centre) 2010 apply. Further information of the Exempt and Complying Code can be found at:

<http://www.planning.nsw.gov.au/Home/tabid/397/language/en-US/Default.aspx>

Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Access ramps</b>	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Not a building within a heritage conservation area.</li> <li>Maximum height 1m above existing ground level.</li> <li>Maximum grade 1:14 and compliance with Australian Standard AS 1428.1 – Design for Access and Mobility.</li> <li>To be erected a minimum of 1m from any sewer or storm water main.</li> </ul>	
<b>Advertising signs and structures</b>	Refer to WLEP (Bondi Junction Centre) 2010	
1. Business Identification	Refer to WLEP (Bondi Junction Centre) 2010	
2. Fascia Sign	Refer to WLEP (Bondi Junction Centre) 2010	
3. Real Estate Sign	Refer to WLEP (Bondi Junction Centre) 2010	
4. Temporary Sign -	Refer to WLEP (Bondi Junction Centre) 2010	
5. Top Hamper Sign -	Refer to WLEP (Bondi Junction Centre) 2010	
6. Under Awning Sign (see example in Annexure C1-1)	<ul style="list-style-type: none"> <li>Non-illuminated and illuminated.</li> <li>Illuminated signs must have electrical conduits taken directly into the building.</li> <li>Maximum one per premises.</li> <li>Does not project beyond the awning.</li> <li>Erected horizontal to the ground and at right angles to the building.</li> <li>Maximum dimensions 1800mm (length) x 300mm (height).</li> <li>Not less than 2.65m above ground/pavement level.</li> <li>Structures over public roads are to be at least 600mm from kerb/roadway edge.</li> <li>Securely fixed by metal supports.</li> <li>The sign identifies the place or premises.</li> <li>The sign identifies the occupation or activities carried out at the place or premises.</li> </ul>	Refer to WLEP (Bondi Junction Centre) 2010 for Under awning signs in Business Centres.
7. Window Sign	Refer to WLEP (Bondi Junction Centre) 2010	
<b>Aerials / Antennae / Microwave antennae</b> (not including satellite dishes)	<ul style="list-style-type: none"> <li>Not attached to a heritage item.</li> <li>Maximum height of 3m above roof ridge.</li> <li>Not attached to the front facade of the building.</li> <li>Maximum of one per residential dwelling.</li> </ul>	The structure supporting the antennae is to be structurally adequate and capable of supporting all dead and live

Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Air conditioning units for dwellings</b> (attached to the external wall or ground mounted and excluding roof mounted units)	<ul style="list-style-type: none"> <li>Located a minimum of 1.5m off any property boundary.</li> <li>The unit is located behind the front building line.</li> <li>The noise level does not exceed 5dBA above the ambient background noise level measured at property boundary.</li> <li>The building work must not reduce the structural integrity of the building.</li> <li>The unit must be rated no less than one star below the maximum Energy Star Rating for air conditioners (at the time of installation).</li> </ul>	The air conditioning unit shall be located so as to minimise noise interference to the adjoining properties.
<b>Ancillary development</b> (does not include outbuildings, garden sheds, decks, pergolas which are described elsewhere in this Part)	<ul style="list-style-type: none"> <li>Located behind the front setback.</li> <li>Sited at least 900mm from all adjoining property boundaries and a maximum height of 1.8m above existing ground level.</li> <li>The development does not contain a hard paving or hard surface area of more than 10m<sup>2</sup>.</li> <li>Does not involve excavation to a depth exceeding 600mm below existing ground level.</li> <li>The area is not used for the parking of vehicles/boats etc.</li> <li>Must not drain stormwater onto adjoining properties.</li> <li>To be erected a minimum 1m from any sewer or stormwater main.</li> </ul>	
<b>Awnings and canopies</b>	<ul style="list-style-type: none"> <li>Not attached to a heritage item or the front of a building within a heritage conservation area.</li> <li>Maximum area of 10m<sup>2</sup>.</li> <li>Minimum of 900mm from the side and rear boundaries.</li> <li>Not visible from a public place.</li> <li>To be of a light colour as appropriate to the design and colour scheme of the subject site.</li> </ul>	Awnings shall not be placed on dwellings in locations that will adversely affect neighbours light, ventilation or views.
<b>Barbecues</b>	<ul style="list-style-type: none"> <li>Maximum size of 1200mm x 600mm.</li> <li>Maximum height of 1.8m above ground level.</li> <li>The structure is not to be visible from a public place.</li> <li>The barbeque must be located behind the building line and be set back a minimum of 900mm from the side and rear boundaries.</li> <li>To be erected a minimum 1 metre from any sewer or stormwater main.</li> </ul>	The installation of flues or chimneys that are more than 1.8m high require Council consent. Use of solid burning barbecues, such as incinerators are not permitted.
<b>Basketball hoops and backing boards and playground equipment</b>	<ul style="list-style-type: none"> <li>Residential premises only.</li> <li>Located at the rear of a building identified as a heritage item.</li> <li>Located behind the front building alignment for a building within a heritage conservation area.</li> <li>Designed, fabricated and installed in accordance with Australian Standard AS 4685 Playground Equipment.</li> <li>To be erected a minimum 1m from any sewer or stormwater main.</li> </ul>	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Building Alterations – External Residential and Commercial premises</b>	<ul style="list-style-type: none"> <li>Not to a heritage item or a building located in a heritage conservation area.</li> <li>Non structural alterations to the exterior of a building eg. plumbing, electrical, plastering, cement rendering, attaching fittings, down pipe and roof guttering.</li> <li>Alterations are undertaken to buildings that have been lawfully constructed.</li> <li>Must not drain storm water onto adjoining properties.</li> <li>A trade waste certificate has been obtained for the development, if required, from Sydney Water.</li> </ul>	
<b>Building Alterations – Internal</b> General Requirements	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Alterations are undertaken to buildings that have been lawfully constructed.</li> <li>Must not drain storm water onto adjoining properties.</li> <li>A trade waste certificate has been obtained for the development, if required, from Sydney Water.</li> <li>Removal of non-structural internal walls.</li> <li>Water fixtures (taps, showerheads and toilets) must have a minimum 3A water efficiency rating.</li> <li>Light fittings must incorporate energy efficient technologies.</li> <li>Appliances must be rated no less than One Star below the maximum rating for that appliance type on the WELS water efficiency and / or Energy Star rating Schemes at the time of installation.</li> </ul>	<p>The alteration should not affect the structural strength and stability of the building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces.</p> <p>The removal of internal walls without considering the overall strength and stability may result in the failure of external walls.</p> <p>Examples of minor alterations include - new door, bathroom renovations, kitchen renovations etc. You are advised to consult a structural engineer, architect or Council building surveyor before commencing alterations to ensure that you comply with the Building Code of Australia and will not affect the structural sufficiency and stability of the building.</p> <p>Any works involving asbestos must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos in Buildings" and Council's Asbestos Policy.</p>
Residential Premises	<ul style="list-style-type: none"> <li>Carried out in a Council approved dwelling</li> <li>Replacement of doors; wall, ceiling or floor linings; or deteriorated frame members with equivalent or improved quality materials.</li> <li>Renovation of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes.</li> <li>Applies only to alterations or renovations to previously completed buildings.</li> <li>Does not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means.</li> <li>Does not cause an increase or a reduction in</li> </ul>	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<p>window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.</p> <ul style="list-style-type: none"> <li>Work, including the replacement of external doors and window frames with identical doors and window frames, does not alter the front facade and side facade (if fronting a public area) of a building in a heritage conservation area.</li> </ul>	
Commercial Premises	<ul style="list-style-type: none"> <li>Non structural work such as shelving, display benches and partitions.</li> <li>Floor area not exceeding 100m<sup>2</sup>.</li> <li>Works must not compromise fire safety or affect the accessibility to a fire exit.</li> <li>Work, including the replacement of external doors and window frames with identical doors and window frames, does not alter the front facade and side facade (if fronting a public area) of a building in a heritage conservation area.</li> </ul>	Any work involving lead paint removal must not cause lead contamination of air or ground.
<b>Change of Use – Shops and Commercial Premises</b> Change of Use from: Shop to shop, Shop to office, Office to office, Food shop to non-food shop (excluding food shops, laundromats, nurseries and car washes)	<ul style="list-style-type: none"> <li>Previous use must be a lawful use.</li> <li>The use complies with the requirements of Clause 11 of Waverley and Woollahra Joint LEP 1991 – Bondi Junction Commercial Centre.</li> <li>Operates in accordance with an existing legally approved consent.</li> <li>Hours of operation are in accordance with the conditions of consent.</li> <li>Requires no alterations or additions to the existing building form or structural alterations. The change of use requires no increase in off- street parking or loading provisions.</li> <li>Does not require changes to the layout of existing car parking spaces, loading facilities or vehicular entry and exit points.</li> <li>Does not change landscape requirements.</li> <li>The display and storage of goods occurs wholly within the premises.</li> <li>The proposed use does not involve the preparation or sale of food.</li> <li>A trade waste certificate has been obtained for the development, if required, from Sydney Water.</li> <li>Water fixtures (taps, showerheads and toilets) must have minimum 3A water efficiency rating.</li> <li>Light fittings must incorporate energy efficient technologies.</li> </ul>	
<b>Clothes hoists/lines</b>	<ul style="list-style-type: none"> <li>Residential premises only.</li> <li>Not located on balconies or elevated decks.</li> <li>Located behind the front building alignment.</li> <li>To be erected a minimum of 1m from any sewer or storm water main.</li> </ul>	
<b>Decks and patios</b> (unroofed and attached to dwellings)	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Maximum floor area of 10m<sup>2</sup>.</li> <li>Maximum height of 300mm above ground.</li> <li>Maximum width 1.5m.</li> <li>Maximum length 6m.</li> <li>Minimum of 900mm from the boundary and at the rear of the property.</li> <li>To be erected a minimum of 1m from any sewer or storm water main.</li> </ul>	Roofing of a deck requires approval from Council.



Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Demolition</b>	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Not a building within a heritage conservation area.</li> <li>The demolition of a structure (other than a retaining wall) which is exempt development.</li> <li>The structure does not cover an area of more than 25m<sup>2</sup>.</li> <li>Work is to be carried out in accordance with the requirements of Australian Standard AS 2601 - Demolition of Structures.</li> </ul>	<p>All work which involves asbestos cement is to be carried out in accordance with the current requirements of the WorkCover Authority.</p> <p>All work that involves lead paint is to be carried out in a safe manner to prevent causing a temporary or permanent hazard to the occupants of the premises and the adjoining sites.</p> <p>Works shall only be carried out between the hours of 7:00am to 5:00pm Monday to Saturday and no work is to be carried out on Sundays or public holidays.</p>
<b>Driveways and Pathway</b> (other than over a public land)	<ul style="list-style-type: none"> <li>Replacement or resurfacing with similar or existing materials.</li> <li>Constructed to maintain the natural flow of water.</li> <li>Must not drain storm water onto adjoining properties.</li> <li>Does not require new gutter crossing.</li> <li>Not elevated or suspended above natural ground level.</li> </ul>	The installation of permeable paving is encouraged by Council.
<b>Fences</b> (other than fences covered by the <i>Swimming Pools Act 1992</i> )  General requirements	<ul style="list-style-type: none"> <li>Not heritage item.</li> <li>Not a building within a heritage conservation area</li> <li>All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage.</li> <li>To be erected a minimum of 1 metre from any sewer or storm water main.</li> <li>Constructed of timber, metal or lightweight materials. No barbed wire or corrugated sheeting or broken glass.</li> <li>Gates forming a part of front fences that front a road must not encroach over the street alignment when opening or closing.</li> </ul>	<p>These requirements do not set aside the provisions of the <i>Dividing Fences Act 1991</i>. You are advised to talk to your neighbour at an early stage and consult the <i>Dividing Fences Act 1991</i>.</p> <p>Heights are to be measured from the lowest adjacent ground level.</p>
1. Front fences (between the building line and street or any other public place)	<ul style="list-style-type: none"> <li>Maximum height of 1.2m if constructed of timber, metal or other lightweight materials.</li> <li>Corner properties - the maximum height of 1.8m is permitted for the fence located along the side boundary.</li> </ul>	
2. Side and rear boundary fences (between the building line and the rear boundary)	<ul style="list-style-type: none"> <li>Maximum height of 1.8m if constructed of timber, metal or other lightweight materials</li> </ul>	
3. Masonry fences	<ul style="list-style-type: none"> <li>Maximum height of 600mm and constructed in accordance with: <ul style="list-style-type: none"> <li>Australian Standard AS 3700 – Masonry Code</li> <li>Australian Standard AS 3600 – Concrete Structures</li> </ul> </li> </ul>	Masonry fences over 600mm require approval from Council. Masonry front fences including fencing between the front building alignment and the front boundary require Council approval.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Flagpoles</b>	<ul style="list-style-type: none"> <li>• Associated with a dwelling.</li> <li>• Free standing and prefabricated.</li> <li>• Maximum height of 6m above ground level.</li> <li>• Located behind the front building line.</li> <li>• Maximum of one flag pole per dwelling.</li> <li>• To be erected a minimum of 1m from any sewer or storm water main.</li> </ul>	If flagpoles are to project over a public road they must comply with Clause 138 of the <i>Roads Act 1993</i> .
<b>Garden sheds</b> (associated with residential buildings)	<ul style="list-style-type: none"> <li>• Free standing and pre-fabricated.</li> <li>• Maximum floor area of 10m<sup>2</sup>.</li> <li>• Maximum height of 2.1m.</li> <li>• 900mm from the boundary.</li> <li>• Be of non-reflective materials.</li> <li>• Must be located in the rear yard.</li> </ul>	Masonry structures require the approval of Council.
<b>Hoardings</b>	<ul style="list-style-type: none"> <li>• To form a consistent and secure border within the boundary of the site immediately adjacent the footpath.</li> <li>• Must comply with Australian Standard AS 1576.1 Scaffolding – General Requirements and WorkCover Requirements .</li> <li>• The vertical height above footpath level of the structure being erected or demolished must be less than 4m.</li> <li>• A hoarding is to be constructed of solid materials to a height not less than 2.4m above level of the footpath or thoroughfare.</li> <li>• Not to encroach onto public footway or thoroughfare.</li> <li>• Appropriate signage is to be provided in accordance with Australian Standard AS 319 – Safety Signs for Occupational Environment.</li> <li>• In the instance where the building is situated away from the boundary by twice the measurement of the height of the building other non-solid hoardings may be provided subject to appropriate signage being provided and provision made to minimise dust from the site.</li> </ul>	
<b>Home Occupation</b>	<ul style="list-style-type: none"> <li>• Must be carried out within a Council approved dwelling.</li> <li>• No structural work is required to the property.</li> <li>• Occupation does not involve the registration of the building under the <i>Factories, Shops and Industries Act 1962</i>.</li> <li>• No employees other than permanent residents of the dwelling.</li> <li>• No display of goods or advertising on the premises.</li> <li>• No sale of goods from the premises.</li> <li>• No interference with the amenity of the area by reason of such things as noise, vibration, smell, fumes, smoke or other waste products.</li> <li>• Any notice, advertisement or sign is to be non-illuminated and not to exceed 0.75m<sup>2</sup>.</li> <li>• Noise generated from the occupation is not to exceed 5dBA above the ambient background noise level.</li> </ul>	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<ul style="list-style-type: none"> <li>Noise generated from the activity is not be audible from within any room of an adjoining premise between 10:00pm and 7:00am weekdays, and 10:00pm and 8:00am weekends or public holidays.</li> <li>The proposed use does not involve the preparation of food for commercial purposes.</li> </ul>	
<b>Letter Boxes</b>	<ul style="list-style-type: none"> <li>Centrally located either/or close to the major street entry and lockable.</li> <li>Maximum height of 1.2m above ground level.</li> <li>Appropriate numbering visible from street.</li> </ul>	
<b>Outbuildings</b> - associated with dwellings including Aviaries, cabanas, green houses, cubby houses and other minor structures.	<ul style="list-style-type: none"> <li>Structure is to be detached from the dwelling.</li> <li>Maximum floor area of 10m<sup>2</sup>.</li> <li>Maximum height of 2.1m.</li> <li>The structure must be located in the rear of the dwelling and a minimum of 900mm from the boundary.</li> <li>Supporting posts must be fixed to concrete footings or slabs.</li> <li>The structure must be located so as not to interfere with the views of other property owners.</li> <li>To be erected a minimum of 1m from a sewer or storm water main.</li> </ul>	Any works involving asbestos must comply with the Work Cover Authority's "Guidelines for Practices Involved Asbestos in Buildings" and Council's Asbestos Policy.
<b>Painting – external walls</b>	<ul style="list-style-type: none"> <li>Re-painting previously painted surfaces – excluding corporate colours associated with the building use, except where the building is a heritage item or located within a heritage conservation area.</li> </ul>	
<b>Photovoltaic Panels</b>	<ul style="list-style-type: none"> <li>Not on a heritage item.</li> <li>Must not be visible from any public space.</li> <li>Installed to manufacturers specifications by a Clean Energy accredited tradesperson.</li> </ul>	
<b>Parks, gardens and landscaping</b> (excludes structures)	<ul style="list-style-type: none"> <li>Constructed, designed, fabricated and installed in accordance with relevant Australian Standards and/or Building Code of Australia.</li> </ul>	Works are not to have a detrimental impact on public amenity.
<b>Playground equipment</b> (on land classified as community land)	<ul style="list-style-type: none"> <li>Construction by or for the council and designed, fabricated and installed in accordance with AS 4685 – Playground Equipment.</li> </ul>	Community land is classified under the <i>Local Government Act 1993</i> . Works are not to have a detrimental impact on public amenity.
<b>Public telephone and telephone booths</b>	<ul style="list-style-type: none"> <li>Not adjoining a heritage item.</li> <li>The facility does not contain vending devices.</li> <li>The structure is not used for advertising other than the advertising of the public phone.</li> </ul>	
<b>Re-cladding of roofs or walls</b>	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Not a building within a Heritage Conservation Area.</li> <li>Replace existing materials with similar materials (eg. corrugated iron would be replaced with corrugated profile not another profile such as Trimdek, Klip-lok etc).</li> <li>Re-cladding is not to involve structural alterations.</li> <li>Works do not result in a change to the current roof alignment.</li> </ul>	Any work involving asbestos cement should comply with the WorkCover Authority's "Your Guide to working with Asbestos 2003" and Council's Asbestos Policy. Any work involving lead paint must not cause lead contamination of air or ground or enter drainage or stormwater systems.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
<b>Satellite Dishes</b>	<ul style="list-style-type: none"> <li>Refer to Clause 17 of SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development (available at: <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>).</li> </ul>	
<b>Scaffolding</b>	<ul style="list-style-type: none"> <li>Does not encroach onto footpath or public thoroughfare.</li> <li>Must enclose the work area.</li> <li>Must comply with Australian Standard AS 1576.1 – Scaffolding - General requirements.</li> </ul>	Any work involving asbestos cement should comply with the WorkCover Authority's "Your Guide to working with Asbestos 2003" and Council's Asbestos Policy.
<b>Sky lights</b> (Dwelling Houses only)	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>In non-habitable roof space.</li> <li>Not on the front facade of the building.</li> <li>Maximum area of the skylight is not to exceed 20% of the roof or part of the roof.</li> <li>The area of the skylight or roof window must not exceed 2m<sup>2</sup>.</li> <li>Maximum of one sky light per 25m<sup>2</sup> of roof area.</li> <li>Must be at least 900mm from any boundary.</li> <li>Installed by a licensed contractor.</li> </ul>	
<b>Solar Hot Water Heaters</b>	<ul style="list-style-type: none"> <li>Must not be visible from a public place.</li> <li>Installed to manufacturers specifications by a Clean Energy Council accredited tradesperson.</li> </ul>	
<b>Streetscape and Civic Improvements</b> (including street furniture, footpath, tables, lighting and paving, bins, picnic, tree planting – excluding bus shelters)	<ul style="list-style-type: none"> <li>Construction by or for the Council and designed, fabricated and installed in accordance with relevant Australian Standards and/or Building Code of Australia.</li> <li>Located on land under control of the Council.</li> <li>Must not involve a display of an advertisement unless allowed by another provision.</li> </ul>	<p>Works are not to have a detrimental impact on public amenity.</p> <p>Consideration should be given to the provisions for Streetscape and Pedestrian Amenity contained in Part F1 Bondi Junction Commercial Centre.</p>
<b>Temporary Building</b> (including builders sheds, port-a-loos, marquees, tent, market stalls, stages. This excludes buildings involving the preparation of food).	<ul style="list-style-type: none"> <li>Not used for residential purposes.</li> <li>Maximum height 3.6m.</li> <li>Set back 1.5m to all adjoining properties.</li> <li>To be erected a minimum 1 metre from any sewer or storm water main.</li> <li>Must not divert storm water to adjoining properties.</li> <li>Removal must occur immediately after completion of the activity or event.</li> <li>The total period over which the building is to be erected, used and removed must not exceed 5 years.</li> </ul>	
<b>Water heaters</b> (excluding solar water heaters)	<ul style="list-style-type: none"> <li>Located behind the front building alignment.</li> <li>Located at ground level.</li> <li>Located 900mm from the boundary.</li> <li>To be erected a minimum 1 metre from any sewer or storm water main.</li> <li>Must not divert storm water to adjoining properties.</li> </ul>	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<ul style="list-style-type: none"> <li>Gas water heaters must be rated no less one Energy Star Rating below the maximum rating available at the time of installation.</li> <li>Electric storage water heaters should exceed the Minimum Energy Performance Standard (MEPS) by at least 10% (refer to <a href="http://www.energyrating.gov.au/meps1">www.energyrating.gov.au/meps1</a>).</li> <li>Locate water heaters as near as practical to bathrooms to minimise heat loss during piped transport for hot water.</li> </ul>	
<b>Water Supply, Sewerage &amp; Stormwater Drainage Users</b>	<ul style="list-style-type: none"> <li>Stormwater drainage works of a public works or civil works nature constructed by, or for the Council.</li> </ul>	All necessary referrals must be made.
<b>Water Tanks</b> (at or above ground level)	<ul style="list-style-type: none"> <li>Refer to Clause 16 of SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development (available at <a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>).</li> </ul>	
<b>Works</b> (emergency and maintenance building works)	<ul style="list-style-type: none"> <li>Replace existing damaged materials with the same materials including fabric and colour (eg corrugated iron would be replaced with similar corrugated profile).</li> </ul>	
<b>Windows, glazed areas and external doors</b>	<ul style="list-style-type: none"> <li>Not a heritage item.</li> <li>Not a building within a heritage conservation area.</li> <li>Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> <li>Australian Standard AS 1288 - Glass in Buildings - Selection and Installation</li> <li>Australian Standard AS 2208 - Safety Glazing Materials for Buildings</li> </ul> </li> <li>Does not increase or reduce the area provided for light and ventilation.</li> <li>Work including the replacement of external window frames with identical window frames, does not alter the front façade or side façade (as fronting a public place) of a building or Heritage Conservation Area.</li> </ul>	<p>You are advised to consult a structural engineer, architect or building surveyor to ensure alterations will comply with the BCA and structural support will not be affected.</p> <p>You should consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.</p> <p>Any work involving asbestos must comply with the WorkCover Authority's "Your Guide to working with Asbestos 2003" and Council's Asbestos Policy.</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>

### 3.0 COMPLYING DEVELOPMENT

Complying development is development listed in Table 2 of this Part along with the specific criteria. The development is only complying development if it also complies with the following requirements:

- (a) The development is not an existing use, as defined by in Section 106 of the EP & AA 1979.
- (b) The development does not have a detrimental impact on the amenity of a neighbourhood or public place.
- (c) The development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- (d) The development complies with relevant standards set by this Part.
- (e) The development does not contravene any conditions of development consent applying to the land.
- (f) The development does not restrict vehicular or pedestrian access to or from the site or reduce the number of off street car spaces on the site.
- (g) The development does not require a tree to be removed that would require consent under the Council's Tree Preservation Order.
- (h) A certificate of compliance has been obtained for the development, if required from Sydney Water.
- (i) The development is not located on land that is identified as a heritage item or is within a heritage conservation area in the WLEP (Bondi Junction Centre) 2010

Note: If heritage provisions affect your land (ie., if your land is a heritage item or within a heritage conservation area in the WLEP (Bondi Junction Centre) 2010) you must apply to Council for development approval. There are severe penalties if you fail to comply with the EP & AA 1979.

The works or activities listed in Table 2 require you to apply for approval from Council or an accredited Private Certifier prior to any work commencing. Approval is in the form of a complying development certificate. Once the certificate has been issued you do not need any further approvals. Complying developments require plans and specifications to be prepared.

The details required with applications for Complying Development, if being lodged with the Council are:

- A completed application form signed by the owner.
- Two (2) sets of professionally drawn plans and specifications complying with the Building Code of Australia.
- Engineering drawings if applicable.
- A written schedule which demonstrates how the application complies with the Complying Development criteria held above and in Table 2 and the relevant schedule.

The EP & AA 1979 requires Council or a Private Certifier to process complying development certificates within 7 days provided the plans and specifications satisfy all the complying development criteria from this part and the prescribed conditions of approval from the EP&AA 1979. This will include evidence of compliance with the Building Code of Australia and the payment of required fees such as the Builder's Long Service Levy and insurances.

Before work commences, the applicant is required to appoint a principal certifying authority and give Council two (2) days notice of the commencement of work.

**Table 2.** Complying Development.

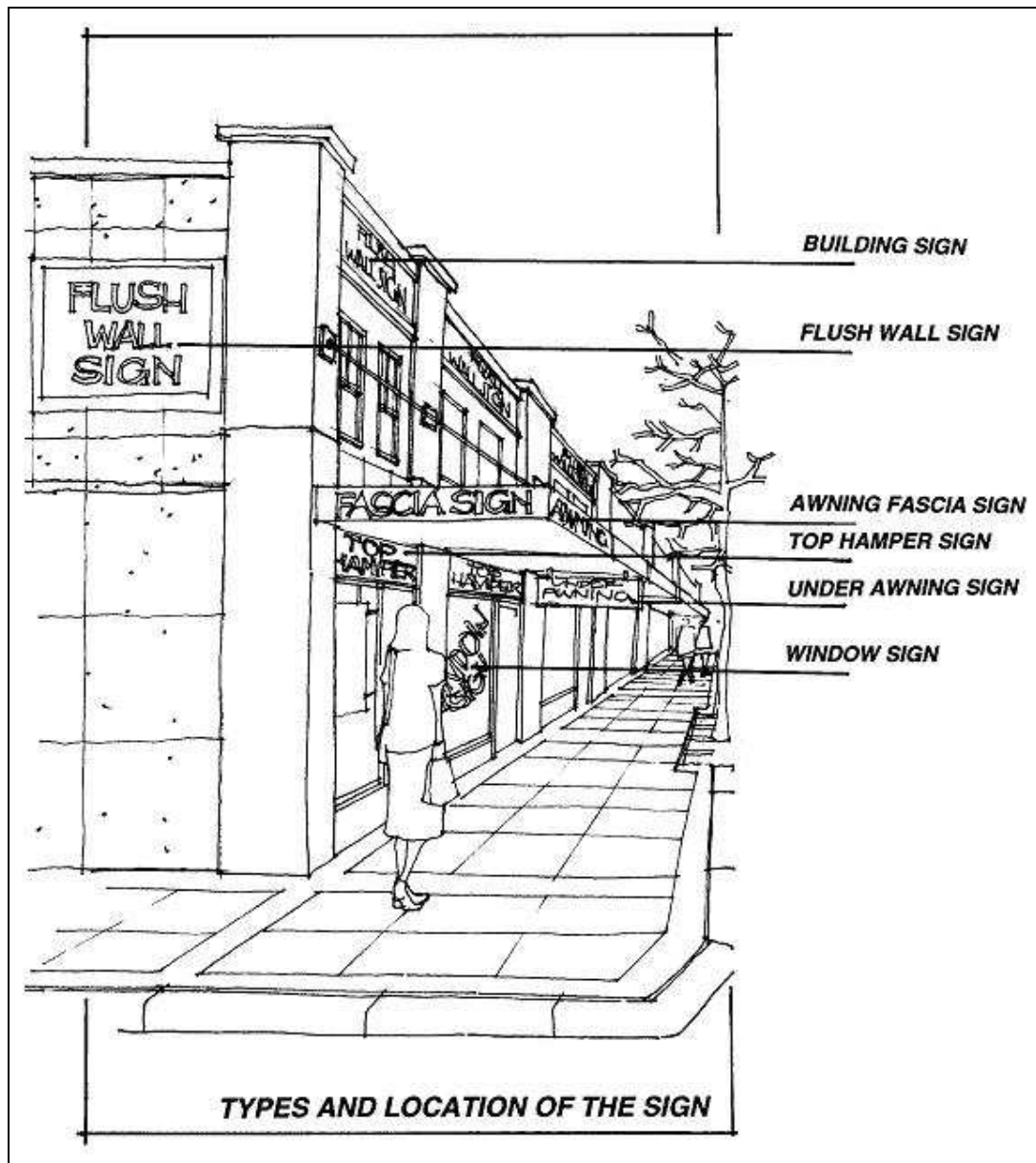
Note: State Environmental Planning Policy (Exempt and Complying Code) 2008 (Exempt and Complying Code) also provide provisions relating to complying development. If the Exempt and Complying Code covers the same development type listed in this Part as complying development, the applicant can choose which controls to use until 31 December 2010.

Complying Development Type	Complying Development Criteria
<b>Bed and Breakfast Accommodation</b>	<ul style="list-style-type: none"> <li>• Located in an approved dwelling house that is occupied by the owner.</li> <li>• No structural work is required to the property.</li> <li>• Providing temporary accommodation for visitors for a maximum period of 1 month.</li> <li>• A minimum of two bathrooms.</li> <li>• One sign per premises not exceeding 0.6m<sup>2</sup>.</li> <li>• Complies with the <i>Food (General Regulation) Act</i> 1989.</li> <li>• Complies with Australian Standard AS 3786 - Smoke Alarms and AS 3000 - Electrical Installations.</li> <li>• Has a fire extinguisher and fire blanket in the kitchen.</li> </ul>
<b>Commercial Premises and shops - building alterations</b>	<ul style="list-style-type: none"> <li>• Internal alterations to buildings.</li> <li>• Alteration to the entranceway or shopfronts.</li> <li>• The proposed works are within the existing approved envelope of the shop.</li> <li>• Any new entrance faces directly to the public street or pedestrian way on the property boundary of the building.</li> <li>• Access to the premises complies with Australian Standard AS 1428.1 – Design for Access and Mobility.</li> <li>• No roller shutter doors are permitted within the shopfront.</li> <li>• The works do not result in an increase in the total floor area of the building.</li> <li>• Works do not decrease the floor area used for pedestrian access paths or access to fire exists.</li> <li>• Water fixtures (taps, showerheads and toilets) must have a minimum 3A water efficiency rating.</li> <li>• Light fittings must incorporate energy efficient technologies.</li> <li>• Appliances must be rated no less than one Energy Star below the maximum for that appliance type on the WELS water efficiency and / or Energy Star rating schemes at the time of installation.</li> </ul>
<b>Conservatory – attached to a dwelling</b>	<ul style="list-style-type: none"> <li>• Located behind the front setback.</li> <li>• Maximum floor area of 15m<sup>2</sup>.</li> <li>• Maximum height: 2.4m.</li> <li>• Setback 900mm to all property boundaries.</li> <li>• Must not drain stormwater onto adjoining properties.</li> <li>• To be erected a minimum of 1 metre away from any sewer or stormwater main.</li> </ul>
<b>Decking and verandahs</b>	<ul style="list-style-type: none"> <li>• Maximum floor area of 20m<sup>2</sup>.</li> <li>• Maximum height of 500mm above ground level.</li> <li>• Minimum boundary setback of 900mm.</li> <li>• Located in the rear yard area or behind the building line.</li> <li>• Not visible from a public area.</li> <li>• Not to be roofed or enclosed.</li> <li>• External surfaces are to be of materials, colours and finishes that are in keeping with the surrounding natural and built environment.</li> </ul>
<b>Fences (masonry)</b>	<ul style="list-style-type: none"> <li>• Located on the side (between the front building line and the rear boundary) and rear boundary only.</li> <li>• Maximum height of 1.8m.</li> <li>• Fences are to be constructed so they do not prevent the natural flow of storm water drainage.</li> </ul>



Complying Development Type	Complying Development Criteria
<b>Pergola (Open)</b>	<ul style="list-style-type: none"> <li>• Maximum floor area of 12m<sup>2</sup>.</li> <li>• Maximum height of 2.4m above the natural ground level.</li> <li>• Located 900mm from the boundary.</li> <li>• Not to be roofed or enclosed.</li> <li>• Not to be visible from a public place.</li> </ul>
<b>Retaining walls</b>	<ul style="list-style-type: none"> <li>• Maximum height of 600mm.</li> <li>• Masonry walls to comply with: <ul style="list-style-type: none"> <li>- Australian Standard AS 3600 – Concrete Structures</li> <li>- Australian Standard AS 3700 – Masonry Code</li> </ul> </li> <li>• Timber walls to comply with: <ul style="list-style-type: none"> <li>- Australian Standard AS 1720 – Timber Structures</li> </ul> </li> <li>• All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.</li> <li>• To be erected a minimum of 1m from any sewer or storm water main.</li> <li>• The structure must not encroach onto any adjoining premises or public land.</li> <li>• Does not increase height of finished ground level.</li> <li>• Retains soil at existing ground level.</li> </ul>
<b>Subdivision</b>	<ul style="list-style-type: none"> <li>• Formalising existing lot boundaries.</li> <li>• Minor boundary adjustments resulting in a 5% variation in the size of the lot.</li> <li>• Correcting an encroachment on a lot.</li> <li>• A Section 73 Compliance Certificate (<i>Sydney Water Act 1994</i>) must be obtained from Sydney Water where a subdivision causes any lot to no longer have a sewer point of connection located in each lot.</li> </ul>
<b>Swimming, plunge, lap pools (commercial and residential), spas and tubs</b>	<ul style="list-style-type: none"> <li>• Ancillary to a dwelling and for private use only.</li> <li>• Pool coping no higher than 500mm above the existing ground level.</li> <li>• The pool is not between the dwelling and the front boundary.</li> <li>• Decking around the pool is no more than 500mm above the natural ground level.</li> <li>• The setback is 900mm from side and rear boundaries.</li> <li>• The noise level of the filtration equipment or pumps does not exceed 5dBA above the ambient background level measured at the boundary.</li> <li>• A minimum of 20% of the site is to be soft landscaping – excluding the swimming pool area.</li> <li>• No part of the swimming pool or ancillary structure is to be located within 3m of an existing tree. Council approval is required for the removal of a tree.</li> <li>• The swimming pool or ancillary structures are not to be sited below the crown of existing trees.</li> <li>• Provision of a pool safety fence constructed to comply with the <i>Swimming Pools Act 1992</i>.</li> <li>• All aspects of the structure complies with the <i>Swimming Pools Act 1992</i> and Australian Standard AS 1926.1 – Swimming Pool Safety.</li> <li>• Must not drain stormwater onto adjoining properties.</li> <li>• To be constructed a minimum of 1m from any sewer or stormwater main.</li> </ul>
<b>Temporary or Mobile Structures</b> (temporary / mobile market stalls, mobile food (including coffee and ice cream), dog grooming and massage)	<ul style="list-style-type: none"> <li>• Not to use structure for residential purposes.</li> <li>• Removal of the structure must occur immediately after the completion of the activity or event.</li> <li>• The development is not carried out within at least 1 metre of any easement or public sewer main.</li> <li>• Temporary food related events, stalls and mobile structures require registration and Council licensing.</li> <li>• All aspects of the structure comply with the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007.</li> <li>• All aspects of the structure comply with Schedule 3A of the Environmental Planning and Assessment Regulation 2000.</li> </ul>

**Annexure C1-1**  
**Advertising Structures – Shown Diagrammatically**



## Annexure C1-2

### Complying Development Standard Conditions

The Standard Conditions to be applied in cases of Complying Development are detailed within this Annexure. The table below indicates the conditions to which are generally applied to certain types of Complying Development. These conditions may vary, and additional conditions may apply as appropriate.

Development Type	Complying Development Conditions
Bed and Breakfast Accommodation	1
Commercial Premises and shops – building alterations	1, 2, 10, 11, 12, 13, 14, 15 (if changes to shopfront), 16, 19, 30, 31, 35, 37, 40, 43, 56, 64
Commercial Premises and shops – new use or change of use	1, 3, 4, 5, 6, 7, 14, 41, 56, 59, 60, 61, 64
Decking, Pergolas and Verandahs	1, 11, 12, 13, 16, 17, 18, 19, 26, 27, 29, 31, 34, 35, 37, 40, 42, 48, 56
Demolition	1, 11, 12, 13, 15, 16, 30, 31, 32, 33, 34, 37, 48
Dwelling Houses	1, 8, 9, 10, 11, 12, 13, 15, 16, 18, 19, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 47, 48, 56, 58, 62, 63, 64 (if vacant site), 65, 66
Fences – masonry	1, 11, 12, 13, 17, 19, 20, 21, 22, 23, 27, 33, 34, 35, 37, 40, 42, 48, 56
Satellite Dishes	1, 11, 12, 13, 27, 31, 35, 37, 40, 42, 46, 56
Subdivision	1, 57, 58
Swimming Pools	1, 11, 12, 13, 16, 19, 25 (if applicable), 27, 28, 31, 32, 33, 34, 35, 37, 38, 40, 42, 48, 49, 50, 51, 52, 53, 54, 55, 56
Temporary Buildings	1, 10, 11, 12, 13, 15, 16, 18, 19, 24, 26, 28, 29, 31, 32, 33, 35, 37, 40, 43, 44, 45, 46, 47, 48, 56, 63, 66

#### 1. APPROVED DEVELOPMENT

The development must be in accordance with:

- (a) Complying Development Certificate No. ....;
- (b) Architectural Plan Nos **[plan Nos]**, tables and documentation prepared by **[author]**, dated **[date]**, and received by Council on date **(date)**, except where amended by the following conditions of consent;

**[Delete those not applicable from the below list]**

- (c) Landscape Plan No. **[plan Nos]** and documentation prepared by **[author]**, dated **[date]**, and received by Council on **(date)**;
- (d) BASIX Certificate No. **[No.]** dated **[date]**, and received by Council on **(date)**;
- (e) Schedule of external finishes and colours received by Council on **(date)**; and
- (f) The Site Waste and Recycling Management Plan (SWRMP) and Checklist, in accordance with the SWRMP Checklist Part 1.

#### 2. ROLLER SHUTTERS

The installation of roller shutters or grilles, in front of, or in place of a standard window or shop front is prohibited. Council Policy requires the retention of a glass shop front for window display purposes.

#### 3. NO SPRUIKERS

Spruikers (with or without sound amplification) shall not operate without the prior written consent of Council.

#### 4. NO FLASHING SIGNS

The use of flashing lights, flashing illuminated signs and the like is prohibited.

#### 5. LOCATION OF SIGNS

No advertising signs or notices are to be affixed to the windows of the premises.

#### 6. NO SIGNS OR GOODS ON PUBLIC AREA

Portable signs or goods for sale or display must not be placed on the footway or other public areas, without the prior approval of Council.

#### 7. SIGNS

Any existing advertising structures displayed at the premises not relating to the approved use being removed and any proposed advertising structures to be displayed at the premises being the subject of a specific application to Council, unless allowed under Exempt Development.

#### 8. USE OF DWELLING

The premises are to be used only as a single unit dwelling house.

#### 9. EXCAVATION TO BE LIMITED

Excavation shall be limited to that shown in the approved plans. Excavation, proposed or undertaken in the certification or construction of the development, that results in additional habitable or non-habitable floor space (including storage) shall require the submission of a new application. During consideration of this application construction work on site shall cease without prior agreement of Council. Failure to comply with this condition may lead to Council prosecuting or taking a compliance action against the development for breach of its consent.

#### 10. SECTION 94A CONTRIBUTION

A cash contribution is payable to Waverley Council pursuant to section 94A of the *Environmental Planning and Assessment Act 1979* and the "Waverley Council Development Contributions Plan 2006" in accordance with the following:

- (a) A cost report indicating the itemised cost of the development shall be completed and submitted to Council:
  1. Where the total development cost is less than \$500,000: "**Waverley Council Cost Summary Report**"; or,
  2. Where the total development cost is \$500,000 or more: "**Waverley Council Registered Quantity Surveyor's Detailed Cost Report**". A copy of the required format for the cost reports may be obtained from Waverley Council Chambers (First Floor) or downloaded from: [www.waverley.nsw.gov.au/publications/](http://www.waverley.nsw.gov.au/publications/)
- (b) Prior to the commencement of any works, evidence must be provided that the levy has been paid to Council in accordance with this condition or that the cost of works is less than \$100,000.

Waverley Council Development Contributions Plan 2006 may be inspected at Waverley Council's Customer Service Centre, 55 Spring Street, Bondi Junction.

#### Advisory Note

- A development valued at \$100,000 or less will be exempt from the levy.
- A development valued at \$100,001 - \$200,000 will attract a levy of 0.5%.
- A development valued at \$200,001 or more will attract a levy of 1% based on the full cost of the development.

#### 11. SECURITY DEPOSIT

A deposit or guarantee satisfactory to Council (in accordance with Council's Pricing Policy) must be provided as security for the payment of the cost of making good any damage that may be caused to any Council property as a consequence of this building work. This deposit or guarantee must be established prior to the commencement of any work on the site. The full amount of the difference after recovery of Council's cost for any repair of damage to Council property will be refunded after satisfactory completion of the building work to the person who paid the deposit.

#### 12. LONG SERVICE LEVY

A long service levy, as required under Section 34 of the *Building and Construction Industry Long Service Payments Act, 1986*, is to be paid in respect to this building work. In this regard, proof that the levy has been paid is to be submitted to Council prior to the commencement of any work on the site. Note: Council acts as an agent for the Long Service Payment Corporation and the levy may be paid at Council's office. The levy rate is 0.35% of building work costing \$25,000 or more.

#### 13. NOTICE OF COMMENCEMENT OF BUILDING WORKS

The building work, including demolition, must not be commenced until:

- (a) a Principal Certifying Authority has been appointed and Council has been notified of the appointment in accordance with Section 81A(2)(b) of the *Environmental Planning & Assessment Act, 1979* and Form 7 of Schedule 1 of the Regulations;
- (b) Council **and** adjoining owners are given at least two days Notice in writing of the intention to commence the building works;
- (c) A sign is erected on the main frontage of the site detailing the name, address, licence number and contact details (including telephone number) of **both** the Principal Certifying Authority and principal contractor/builders;
- (d) Provision of a temporary on-site toilet;
- (e) Protection and support of any neighbouring buildings;
- (f) Protection of any public place from obstruction or inconvenience by the carrying out of the consent;
- (g) Provision is made for the prevention of any substance from falling on to a public place.

Note: The owner/applicant may make application to Council or an Accredited Certifier to be the Principle Certifying Authority.

#### 14. ESSENTIAL SERVICES - EXISTING BUILDING

Details of the currently implemented and proposed essential fire safety measures shall be submitted to Council, prior to the commencement of any work on the site, in the form of a Fire Safety Schedule. This Schedule shall be prepared by a person competent to do so and shall specify the minimum standard of performance for each essential fire safety measure included in the Schedule. At the completion of the installation, a Final Fire Safety Certificate shall be attached to the Occupation Certificate, certifying that each essential fire safety measure specified within the current Fire Safety Schedule:

- (a) has been assessed by a properly qualified person; and
- (b) found to be capable of performing to at least the standard required by the current Fire Safety Schedule for the

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building for which the Certificate is issued.

**15. HOARDING REQUIRED**

A standard A-Class hoarding designed and constructed in accordance with the requirements of the Work Cover Authority being erected on the street alignments of the property, prior to the commencement of building operations, and such hoardings to be maintained during the course of building operations. Details of the hoarding are to be provided to Council prior to the commencement of any work on the site. Where the hoarding is to be erected over the footpath or any public place, the approval of Council must be obtained prior to the erection of the hoarding.

**16. SITE WASTE AND RECYCLING MANAGEMENT PLAN**

A Site Waste and Recycling Management Plan (SWRMP) Checklist Part 2 shall be submitted to the Principal Certifying Authority for approval in accordance with Council's DCP prior to the commencement of any works on the site. In this regard, Council expects demolition and excavated material to be reused and/or recycled wherever possible. The builder and all subcontractors shall comply with the approved SWRMP (Part 1 and 2) at all times during construction. At least one copy of the SWRMP is to be available on site at all times during construction.

**17. EROSION, SEDIMENT AND POLLUTION CONTROL**

Erosion, sediment and pollution control measures are to be implemented on this site. These measures are to be in accordance with Council's Part G4 – Water Management and are to be implemented prior to commencement of any work or activities on or around the site. Details of these measures are to be submitted to the Principal Certifying Authority prior to the commencement of any works on the site.

**18. STORMWATER MANAGEMENT**

All seepage and surface waters and roof waters being collected and disposed of in accordance with Part G4 – Water Management and this may involve the provision of an on-site detention system (OSD). Where OSD is required details prepared by a Hydraulics Engineer are to be submitted to and approved by the Principle Certifying Authority prior to the commencement of any works on the site.

**19. ENGINEERING DETAILS**

Structural details prepared and certified by a practicing Structural Engineer being furnished to Council or Accredited Certifier in connection with approved works prior to the commencement of any such works on the site.

**20. FENCE NOT TO ENCROACH BEYOND BOUNDARIES**

No portion of the proposed fence, including the footings, is to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the construction of the party fence wall on the common boundary between these properties is to be submitted to Council prior to the commencement of any works on the site.

**21. BRICK FENCES**

The proposed brick fence being designed and constructed in accordance with the requirements of Council's Standard for Brick Fences. In this regard, details are to be provided prior to the commencement of any works on the site. Alternatively, a Certificate prepared by a practising Structural Engineer is to be submitted certifying that the footings are designed to withstand a maximum wind force of 0.8Kpa.

**22. NEW BRICKWORK TO FENCE**

The new brickwork to the altered fence is selected or treated to provide a uniform external finish to the completed fence.

**23. FENCE HEIGHT**

The proposed fence abutting the side and rear boundary of the site is not to exceed a maximum height of 1.8m above the existing ground level of the adjoining property.

**24. ACCESS TO MAIN ENTRY**

Access in accordance with AS1428.1 shall be provided to and within the main entrance and exit points of the development. Details are to be submitted to the Principal Certifying Authority prior to the commencement of any works on the site.

**25. BASIX - NEW DWELLING HOUSE OR SWIMMING POOL OVER**

The undertakings provided in the BASIX Certificate submitted with the Complying Development Certificate shall be provided for in the construction with the Principal Certifying Authority responsible for ensuring that all the undertakings are satisfied prior to the issue of an Occupation Certificate.

**26. USE OF RENEWABLE TIMBERS**

Council requires, wherever possible, the use of renewable timbers and/or plantation timbers such as Radiata Pine or Oregon as an alternative to the use of non-renewable rainforest timber products in buildings so as to help protect the existing areas of rainforest. In this regard, a schedule of proposed timber products to be used in the building is to be submitted for approval by the Principle Certifying Authority prior to the commencement of any works on the site. Where the applicant is to use timbers not recommended in Council's Policy reasons are to be given why the alternative timbers recommended cannot be used.

**27. HOME BUILDING ACT**

The builder or person who does the residential building work shall comply with the applicable requirements of Part 6 of the *Home and Building Act*, 1989. In this regard a person must not contract to do any residential building work

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unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy the Principal Certifying Authority that they have complied with the applicant requirements of Part 6, before any work commences.

#### **28. EXCAVATION AND BACKFILLING**

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.

#### **29. NO USE OF ORGANOCHLORIN PESTICIDES**

The use of organochlorin pesticides as termite barriers in new development is prohibited pursuant to Council Policy. Only physical barriers are to be used for termite control. The building shall comply with Australian Standard 3660: Protection of building from subterranean termites - prevention, detection and treatment of infestation.

#### **30. DEMOLITION OR ALTERATION OF PRE 1987 BUILDINGS**

At least five (5) days prior to the demolition, renovation work or alterations and additions to any building constructed before 1987, the person acting on the consent shall submit a Work Plan prepared in accordance with Australian Standard AS260-2001, Demolition of Structure and a Hazardous Materials Assessment by a person with suitable expertise and experience. The Work Plan and Hazardous Materials Assessment shall:

- (a) outline the identification of any hazardous materials, including surfaces coated with lead paint;
- (b) confirm that no asbestos products are present on the subject land; or
- (c) particularise a method of safely disposing of the asbestos in accordance with the Code of Practice for the Safe Removal of Asbestos NOHSC 2002 (1998);
- (d) describe the method of demolition;
- (e) describe the precautions to be employed to minimise any dust nuisance; and
- (f) describe the disposal methods for hazardous materials.

#### **31. COMPLIANCE WITH WORKCOVER NSW REQUIREMENTS**

All site works complying with the occupational health and safety requirements of WorkCover NSW.

#### **32. SOIL AND WATER MANAGEMENT PLAN**

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to Part G4 – Water Management and the DEC's Managing Urban Stormwater: Construction Activities. This Plan shall be implemented prior to commencement of any works or activities. All controls in the Plan shall be maintained at all time. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council Officers on request.

#### **33. SOIL AND WATER MANAGEMENT SIGN**

Throughout the demolition and construction period, Council's warning sign for soil and water management must be displayed on the most prominent point of the building site, visible to both the street and site works. A copy of the sign is available from Council.

#### **34. STOCKPILES**

Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

#### **35. ALL BUILDING MATERIALS STORED ON SITE**

All building materials and any other items associated with the development are to be stored within the confines of the property. No materials are to be stored on Council's footpath, nature strip, or road reserve without prior Council approval.

#### **36. TEMPORARY DIVERSION OF ROOF WATERS**

Stormwater from roof areas shall be linked via a temporary downpipe to Council's stormwater system immediately after completion of the roof area. Inspection of the building frame shall not occur until this is completed.

#### **37. CONSTRUCTION HOURS**

Demolition and building work must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays and 8am to 3pm on Saturdays with no work to be carried out on:

- (a) The Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which form part of public holiday weekends;
- (b) Sundays and public holidays; and
- (c) On the Saturday (except minor renovation or refurbishment to a single dwelling construction) and Sunday which immediately precede or follow industry Rostered Days Off, as agreed by the CFMEU and the Master Builders Association of NSW.

Noise from construction activities shall comply with the Protection of the Environment Operations (Noise Control) Regulation 2000.

#### **38. USE OF HEAVY EARTH MOVEMENT EQUIPMENT**

Excavation works involving the use of heavy earth movement equipment including rock breakers and the like must only be undertaken between the hours of 7am and 5pm on Mondays to Fridays with no such work to be carried out on Saturday, Sunday or a public holiday.

#### **39. CONSTRUCTION NOISE - PERIODS GREATER THAN 4 WEEKS**

The LA10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

#### **40. BUILDING CODE OF AUSTRALIA**

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

#### **41. FIRE SAFETY**

A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed new use.

#### **42. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (DWELLING HOUSES CLASS 1 AND 10)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the *Building Legislation (Quality of Construction) Act 2002* and the *Environmental Planning and Assessment Regulations*. Also, documentary evidence of compliance with the relevant terms of conditions of the Complying Development Certificate and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 1 and 10 building:

- (a) at the commencement of building work;
- (b) after excavation for, and prior to the placement of, any footings;
- (c) prior to pouring any in-situ reinforced concrete building element;
- (d) prior to covering of the framework for any floor, roof or other building element;
- (e) prior to covering any waterproofing in any wet areas;
- (f) prior to covering any stormwater drainage connections; and
- (g) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA:

**[Delete those not applicable]**

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling the pool.

Note:

1. Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.
2. Should Council be appointed as the Principal Certifying Authority (PCA) an inspection fee in accordance with Council's Pricing Policy is to be paid prior to the commencement of works.

#### **43. QUALITY OF CONSTRUCTION ACT - INSPECTIONS (COMMERCIAL CLASS 5, 6, 7, 8 AND 9)**

The building works are to be inspected during construction by the Principal Certifying Authority (PCA) and in accordance with the *Building Legislation (Quality of Construction) Act 2002* and the *Environmental Planning and Assessment Regulations*. Also, documentary evidence of compliance with the relevant terms of conditions of the Complying Development Certificate and standards of construction detailed in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction and/or issue of an Occupation Certificate.

**MANDATORY** Critical Stage Inspections **MUST** be carried out by the PCA for work undertaken during specified stages of construction and prior to issuing an Occupation Certificate.

The specified **MANDATORY** inspections are:

In the case of a Class 5, 6, 7, 8 or 9 building:

- (a) at the commencement of the building work;
- (b) prior to covering any stormwater drainage connections; and
- (c) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The following additional inspections are required to be undertaken by the PCA: **[Delete those not applicable]**

- (a) sediment control measures prior to the commencement of building work;
- (b) foundation material prior to undertaking building work;
- (c) shoring of excavation works, retaining walls, piers, piling or underpinning works;
- (d) steel reinforcement, prior to pouring concrete;
- (e) prior to covering timber or steel framework for floors, walls and roofing, including beams and columns;
- (f) prior to installation of fire resisting construction systems (ie fire rated ceilings and walls); and
- (g) swimming pool fencing prior to filling pool.

Note:

1. Certification may be required from a suitably qualified person, in relation to specialist matters, verifying that

particular works satisfy the relevant requirements of the Building Code of Australia and standards of construction.

2. Should Council be appointed as the Principal Certifying Authority (PCA) an inspection fee in accordance with Council's Pricing Policy is to be paid prior to the commencement of works.

#### **44. CERTIFICATE OF SURVEY - LEVELS**

All construction works shall be strictly in accordance with the Reduced Levels (RLs) as shown on the approved plans. Certification from a Registered Surveyor certifying ground and finished ridge levels is to be submitted to the Principal Certifying Authority prior to the construction of any further stages of the building.

#### **45. CERTIFICATE OF SURVEY - BOUNDARIES AND LOCATION OF BUILDING**

A Certificate of Survey prepared by a Registered Surveyor setting out the boundaries of the site and the actual situation of the building/works on the site is to be submitted to the Principal Certifying Authority to certify the building is located in accordance with the Complying Development plans. The Certificate is to be submitted prior to the construction of the external walls above the ground floor level of the building.

#### **46. ENCROACH BEYOND THE BOUNDARIES**

The proposed works are not to encroach beyond the boundaries of the property.

#### **47. SMOKE ALARM SYSTEM**

A smoke alarm system is to be installed within the building in accordance with the requirements of the Building Code of Australia.

#### **48. TREE PROTECTION**

Precautions shall be taken when working near trees to ensure their retention, including the following:

- (a) Do not store harmful or bulk materials or spoil under or near trees;
- (b) Prevent damage to bark and root system;
- (c) Do not use mechanical methods to excavate within root zones;
- (d) Do not add or remove topsoil from under the drip line;
- (e) Do not compact ground under the drip line;
- (f) Do not mix or dispose of liquids within the drip line of the tree; and
- (g) All trees marked for retention must have a protective fence/guard placed around a nominated perimeter.

#### **49. CONSTRUCTION OF SWIMMING POOLS**

The following applies to the construction of swimming pools:

- (a) Reinforcement is to be inspected by an Accredited Officer or other suitably qualified person prior to the pouring of concrete;
- (b) The electrical wiring system for any proposed underwater artificial lighting installation to the pool being installed in accordance with the requirements of Australian Standard 3000, Part 1 - Wiring Rules;
- (c) The finished level of the proposed pool is not to exceed a maximum height of [state] mm above the existing natural ground level;
- (d) To minimise the likelihood of accidental drowning, the swimming pool is to be provided with a child resistant safety fence, designed and constructed in accordance with the requirements of Australian Standard 1926-1993 "Fencing for Private Swimming Pools". This fencing is to be erected and inspected by the Principal Certifying Authority prior to the pool being filled with water; and
- (e) A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.

#### **50. POOL DRAINAGE**

Waste waters from the proposed pool being discharged into Sydney Water's sewerage system and in this regard, approved plans **MUST** be submitted to Sydney Water at least fourteen (14) days prior to commencement of building operations.

#### **51. SWIMMING POOLS**

The following requirements apply to the use and operation of the approved pool:

- (a) The pool water being treated by an approved water treatment and filtration unit.
- (b) The pool is to be fitted with a cover, that shall be fitted when the pool is not in use to minimise evaporation and conserve water.
- (c) To prevent noise nuisance to surrounding properties, the pool filtration motor and pump unit is to be housed within a ventilated soundproof enclosure.

#### **52. POOL MANUFACTURER'S CERTIFICATION**

The proposed fibreglass pool is to be constructed in accordance with the Consulting Engineer's design as shown on the approved plans and in this regard, the pool is not to be filled with water until a Certificate has been submitted by the pool construction manufacturer to the Principal Certifying Authority.

#### **53. POOL SIGN**

An approved sign outlining details of resuscitation techniques for adults, children and infants must be placed in a prominent position, close to the pool prior to filling the pool with water. Signs are available from Council.

#### **54. INSPECTION OF POOL**

A final inspection of the completed pool is to be carried out by the Principal Certifying Authority prior to the pool being filled with water.



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**55. REFILLING/"TOP-UP" OF SWIMMING POOL**

Future water requirements for refilling and "top-up" to the swimming pool is to be obtained from rainwater provided from an on-site rainwater tank or equivalent. In this regard, full details of the proposed location and size of the rainwater tank are to be provided to the Principal Certifying Authority prior to the commencement of works on the site.

**56. FINAL OCCUPATION CERTIFICATE**

The Principal Certifying Authority prior to occupation or use of the development must issue a final Occupation Certificate. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the *Environmental Planning & Assessment Act*, 1979 have been satisfied. **Note:** Should Council be appointed as the Principal Certifying Authority (PCA) an inspection fee in accordance with Council's Pricing Policy is to be paid prior to the commencement of works.

**57. SUBDIVISION**

A Subdivision Certificate must be obtained from Council or an Accredited Certifier in accordance with Section 109C(d) of the *Environmental Planning and Assessment Act*, 1979 prior to the registration of the linen plans.

**58. SYDNEY WATER**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water website [www.sydneywater.com.au/customer/urban/index](http://www.sydneywater.com.au/customer/urban/index) or telephone 13 20 92. Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the linen plan/occupation of the development.

**59. WASTE STORAGE**

The following requirements apply to waste management:

- (a) A waste management plan must be submitted to Council to include all waste removal arrangements such as the Contractor, recyclables and all other waste (collection and disposal), prior to the occupation of the premises.
- (b) Provide a separate waste storage area suitably covered, bunded and drained to the sewer. The waste storage receptacles must be maintained in good order and repair at all times.
- (c) Provide a suitable storage area affectively bunded for chemicals, pesticides and cleaning products.
- (d) Provide a separate storage area for used and unused cooking oils suitably covered, bunded and drained to the sewer.
- (e) Provide dry basket arresters to the floor wastes in the food preparation and waste storage areas.
- (f) Confer with Sydney Water regarding whether a Trade Waste Agreement is required. A copy of the agreement shall be forwarded to Council if one is entered into with Sydney Water.

**60. DISPLAY OF WASTE MANAGEMENT PLAN**

The occupant/body corporate shall be provided with at least one copy of the Waste Management Plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

**61. RECYCLING OF WASTE PAPER**

The operator of the business shall ensure that waste paper is recycled. In this regard, the operator shall make arrangements for removal by a recycling agent.

**62. LANDSCAPE PLAN**

The site is to be landscaped and turfed in accordance with the approved landscaped plan with the landscape works completed prior to the issue of the Occupation Certificate.

**63. LIGHTING**

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

**64. STREET NUMBER/S**

The street number for the property shall be a minimum of 75mm high and shall be positioned 600mm-1500mm above ground level on the site boundary that fronts the street. Should the number be fixed to an awning then it shall be a minimum 150mm high.

**65. VEHICULAR ACCESS**

Vehicular access and gradients of vehicle access driveway(s) within the site are to be in accordance with Australian Standard 2890.1 Parking Facilities - Off Street Car Parking with details provided on the plans prior to the commencement of work on the site.

**66. WORK OUTSIDE PROPERTY BOUNDARY**

All work outside the property boundary is to be carried out with the approval of, and in accordance with, the requirements of Council at the applicant's expense.