

Part C Exempt, Complying, Advertised and Notified Development

C2 Exempt and Complying Development

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1.0 INTRODUCTION

This Part applies to the Waverley local government area (LGA), excluding the Bondi Junction Commercial Centre. For exempt and complying development controls for land within the Bondi Junction Commercial Centre, please refer to Part C1.

1.1 Objective of Part C2

The objective of this Part is to establish the criteria for Exempt and Complying Development for land that excludes 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 1996

This Part must be read in conjunction with Clause 12A of Waverley Local Environmental Plan 1996 (WLEP 1996).

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 as Section 2.0 (a) to (k) and the criteria prescribed in Table 1. 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 development proposal fulfils the complying 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 (k) (in Table 2) that 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 are required to lodge a development application.

Standard conditions for complying development are held in Annexure C2-3.

1.5 Application of this Part

This Part applies to all activities or works which are specified under Tables 1 and 2 (in Sections 2.0 and 3.0, respectively) in all land within the Waverley LGA as defined by the WLEP 1996 except:

- (a) if the development is a state significant development, or
- (b) if the development is designated development, or
- (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*), or
- (e) on land this is, or is part of, a wilderness area (within the meaning of the *Wilderness Act 1987*), or
- (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, or
- (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, or
- (h) is an Aboriginal site under the *National Parks and Wildlife Act 1974*, or on land that comprises an item of environmental heritage under *Heritage Act 1977*, or
- (i) on land within the foreshore building line as identified in WLEP 1996.

If your proposed development activity or work falls within the above criteria you must obtain consent by lodging a development application (and construction certificate application if applicable). 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 consent.

2.0 EXEMPT DEVELOPMENT

Exempt development is development listed in Table 1 of this Part, along with each development types' specific criteria. The development is only classified as exempt development if all the following criteria are also satisfied:

- (a) The development is permissible under the relevant environmental planning instrument, which applies to the land.
- (b) 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.
- (c) The development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- (d) The development complies with the 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 obstruct drainage on the site.
- (g) The development is not located on land that is affected by an easement, a water main or a sewer main.
- (h) The development does not interfere with Sydney Water or sewer main surface fittings.
- (i) A certificate of compliance has been obtained for the development, if required, from Sydney Water.
- (j) The development does not restrict vehicular or pedestrian access to, or from the site.
- (k) The development does not require the removal, lopping or the cutting of roots of a tree, which would require consent under the Council's Tree Preservation Order.

The works or activities listed in Table 1 do not require consent for the works to be carried out. You must however, comply strictly with the exempt development criteria listed in Table 1.

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 within the WLEP 1996), 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 establishes whether development consent is required or not.

Table 1. Exempt Development.

Note: State Environmental Planning Policy (Exempt and Complying Code) 2008 (Exempt and Complying Code) also provide provisions relating to exempt development. If the Exempt and Complying Code covers the same development type listed in this Part as exempt development, the Exempt and Complying Code apply. Further information on 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
Access ramps	<ul style="list-style-type: none"> Not a heritage item. Not a building within a heritage conservation area. Maximum height 1m. Maximum grade 1:14 and compliance with AS 1428.1 – Design for Access and Mobility. The development is not carried out within at least 1m of any easement or public sewer main. 	
Advertising signs and structures General requirements	<ul style="list-style-type: none"> Not a heritage item. Not a building within a heritage conservation area. The erection of the advertising structure must comply with all the requirements of the BCA, including Section B1 ("Structural Provisions"). Signs must not cover mechanical ventilation inlets or outlet vents. 	Consent is required for all advertising structures, other than those listed in column 1 and those which do not meet the Exempt, Circumstances/Requirements set out in column 2.
1. Business Identification sign (flush wall sign – see example in Annexure C2–2).	<ul style="list-style-type: none"> Non-illuminated. Maximum dimensions of 300mm (height) x 450mm (length). Maximum one per site. The sign identifies the place or premises. The sign identifies the occupation or activities carried out at the place or premises. The sign outlines the necessary directions or cautions relating to the place or premises. The sign outlines the statutory notifications required or permitted to be displayed at the place or premises. 	
2. Fascia Sign (sign on the fascia or return end of an awning – see example in Annexure C2–2)	<ul style="list-style-type: none"> Business zones only. Non-illuminated. Maximum one per site. Does not project above or below the fascia or return end of the awning. Is flush with the fascia. The sign identifies the place or premises. The sign identifies the occupation or activities carried out at the place or premises. 	
3. Real Estate Sign	<ul style="list-style-type: none"> Non-illuminated. Residential premises or serviced apartment the sign does not exceed 2.5m². Commercial premises the sign does not exceed 4.5m². Relates to the letting or the sale of the site to which it is fixed and is removed no later than 14 days after the letting or the sale of the property. 	
4. Temporary Sign (displayed on large development under construction, during the selling phase or announcing a local event).	<ul style="list-style-type: none"> Non-illuminated. Sponsor/s names or logos are subsidiary. Displayed no earlier than 28 days before an event. Removed within 7days after the event. 	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
5. Top Hamper Sign (sign painted on or attached to the transom of a doorway or a display window – see example in Annexure C2–2)	<ul style="list-style-type: none"> • Business zones only. • Non-illuminated and illuminated. • Illuminated signs must have electrical conduits taken directly into the building. • One per premises. • Flush to the external face of the shop front and projects no more than 150mm beyond the face of the building. • Does not extend below the head of the doorway or window to which it is attached. • Shall be setback 600mm from side boundary. • The sign identifies the place or premises. • The sign identifies the occupation or activities carried out at the place or premises. 	
6. Under Awning Sign (see example in Annexure C2–2)	<ul style="list-style-type: none"> • Business zones only. • Non-illuminated and illuminated. • Illuminated signs must have electrical conduits taken directly into the building. • Maximum one per premises. • Does not project beyond the awning. • Erected horizontal to the ground and at right angles to the building. • Maximum dimensions 2400mm (length) x 450mm (height). • Not less than 2.6m above ground/pavement level. • Structures over public roads are to be at least 600mm from kerb/roadway edge. • Securely fixed by metal supports. • The sign identifies the place or premises. • The sign identifies the occupation or activities carried out at the place or premises. 	
7. Window Sign (see example in Annexure C2–2)	<ul style="list-style-type: none"> • Not illuminated. • Maximum one per shop. • Located on ground level façade. • 60% of the shop window remains uncovered. • The sign identifies the place or premises. • The sign identifies the occupation or activities carried out at the place or premises. 	
Aerials/Antennae/ Microwave antennae (not including satellite dishes)	<ul style="list-style-type: none"> • Not attached to a heritage item. • Maximum height of 3m above roof ridge. • Not attached to the front facade of the building. • Maximum of one per residential dwelling. 	The structure supporting the antennae is to be structurally adequate and capable of supporting all dead and live loads.
Air conditioning units for dwellings (attached to the external wall or ground mounted)	<ul style="list-style-type: none"> • The unit must be located a minimum of 1.5m off any property boundary. • The unit is located behind the front building line. If visible from the street the unit must be suitably screened. • The noise level does not exceed 5dBA above the ambient background noise level measured at property boundary. • The building work must not reduce the structural integrity of the building. • The unit must be rated no less than one star below the maximum Energy Star Rating at 	The air conditioning unit shall be located so as to minimise noise interference to the adjoining properties.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<p>time of installation.</p> <ul style="list-style-type: none"> Domestic air conditioning units, if audible from within any room of adjoining premises, must not be used from 10 pm to 7 am on weekdays and 10 pm to 8 am on weekends or public holidays. The premises have not been subject to a BASIX Certificate. 	
Ancillary development (does not include outbuildings, garden sheds, decks, pergolas which are dealt elsewhere in this Part)	<ul style="list-style-type: none"> Not a heritage item. Located behind the front setback. Sited at least 900mm from all adjoining property boundaries and a maximum height of 1.8m above existing ground level. The development does not contain a hard paving or hard surface area of more than 10m². Does not involve excavation to a depth exceeding 600mm below existing ground level. The area is not used for the parking of vehicles/boats etc. Must not drain stormwater onto adjoining properties. To be erected a minimum 1m from any sewer or stormwater main. 	
Awnings and canopies	<ul style="list-style-type: none"> Not attached to a heritage item or the front of a building within a heritage conservation area. Maximum area of 10m². Minimum of 900mm from the side and rear boundaries. Not to be visible from a public place. To be of a light colour as appropriate to the design and colour scheme of the premise. 	Awnings shall not be placed on dwellings in locations that will adversely affect neighbours light, ventilation or views.
Barbeques	<ul style="list-style-type: none"> Maximum size of 1.2m x 0.6m. Maximum height of 1.8m above ground level. The structure is not to be visible from a public place. The barbecue must be located at the rear of the building and be set back a minimum of 900mm from the side and rear boundaries. The development is not carried out within at least 1m of any easement or public sewer main. 	<p>The installation of flues or chimneys that are more than 1.8m high requires Council consent.</p> <p>Use of solid burning barbeques, as incinerators are not permitted.</p>
Building Alterations (External Residential and Commercial premises)	<ul style="list-style-type: none"> Not to a heritage item or a building located in a heritage conservation area. Non structural alterations to the exterior of a building eg plumbing, electrical, plastering, cement rendering, attaching fittings, downpipe and roof guttering. Alterations are undertaken to buildings that have been lawfully constructed. Must not drain storm water onto adjoining properties. 	Building works involving a tile roof or brickwork anywhere on the structure higher than 1m you will need to contact Sydney Water Corporation to ensure works satisfy the Corporation's requirements.
Building Alterations – Internal General Requirement	<ul style="list-style-type: none"> Not a heritage item. Alterations are undertaken to buildings that have been lawfully constructed. Carried out in Council approved premises. Removal of non-structural internal walls. Water fixtures (taps, showerheads and toilets) 	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.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<p>must have a 3A water energy efficiency rating.</p> <ul style="list-style-type: none"> • Light fittings must incorporate energy efficient models. • 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. 	<p>Where works involve fixtures such as basins, toilets, and showers, you are encouraged to contact Sydney Water to ensure works satisfy Sydney Water requirements.</p> <p>Developments are encouraged to comply with the Manual of Assessment Procedure for Water Efficient Appliances (SAA MP64-1995) for the following:</p> <ul style="list-style-type: none"> • Shower heads – 9 litres or less per minute; • Water tap outlets – 9 litres or less per minute; and • Dual flush toilet suite – 6/3 litre dual flush cistern or approved dual flush equivalent.
1. Residential Premises	<ul style="list-style-type: none"> • Replacement of doors; wall, ceiling or floor linings; or deteriorated frame members with equivalent or improved quality materials. • Renovation of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes. • Applies only to alterations or renovations to previously completed buildings. • Does not include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means. • Does not cause an increase or a reduction in window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas. • 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. • Must not be for the purpose of on site car parking, or have the effect of allowing, directly or indirectly, the establishment, or enlargement, of areas to be used for on site car parking. 	<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 "Your Guide with working with Asbestos 2003" and Council's Asbestos Policy.</p>
2. Commercial Premises	<ul style="list-style-type: none"> • Non structural work such as shelving, display benches and partitions. • Floor area not exceeding 100m². • Works must not compromise fire safety or affect the accessibility to a fire exit. • 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. 	<p>Any work involving lead paint removal must not cause lead contamination of air or ground or enter drainage or stormwater system.</p>

Exempt Development Type	Exempt Development Criteria	Advisory Notes
Change of Use - Shops and Commercial Premises – Change of Use from: shop to shop, shop to office, office to office, food shop to non-food shop.	<ul style="list-style-type: none"> • Previous use must be a lawful use. • Operates in accordance with an existing legally approved consent. • Hours of operation are in accordance with the conditions of consent. • 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 dock provisions – in accordance with Part I1 – Land Use and Transport. • Does not require changes to the layout of existing car parking spaces, loading facilities or vehicular entry and exit points. • Does not change landscape requirements. • The display and storage of goods occurs wholly within the premises. • The proposed use does not involve the preparation or sale of food. • Access to the premises is to be in accordance with AS 1428.1 – Design for Access and Mobility. • Water fixtures (taps, showerheads and toilets) must have a 3A water energy efficiency rating. • Light fittings must incorporate energy efficient models. • 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. 	<p>The change of use of premises from food shop to food shop or non-food shop to food shop requires Council approval.</p> <p>Activities such as commercial car washes, commercial laundries, dry cleaners, medical centres, mechanical repairs, photographic processing and veterinary surgeon must contact Sydney Water Corporation regarding the need to obtain a trade waste certificate.</p> <p>Developments are encouraged to comply with the AAA rating as listed in the Manual of Assessment Procedure for Water Efficient Appliances (SAA MP64-1995) for the following:</p> <ul style="list-style-type: none"> • Shower heads - 9 litres or less per minute; • Water tap outlets -9 litres or less per minute; and • Dual flush toilet suite - 6/3 litre dual flush cistern or approved dual flush equivalent.
Clothes hoists/lines	<ul style="list-style-type: none"> • Installed to manufacturer specifications. • Not to be visible from the street or public place • The development is not carried out within at least 1m of any easement or public sewer main. 	
Decks and patios (unroofed and attached to dwellings)	<ul style="list-style-type: none"> • Not a heritage item. • Maximum floor area of 10m². • Maximum height of 300mm above ground. • Maximum width 1.5m. • Minimum of 900mm from the boundary and located at the rear of the dwelling. • The development is not carried out within at least 1m of any easement or public sewer main. 	Roofing of a deck requires approval from Council.
Demolition	<ul style="list-style-type: none"> • Not a heritage item. • Not a building within a heritage conservation area. • The demolition of a structure (other than a retaining wall) which is exempt development. • The structure does not cover an area of more than 25m². • The works are to be carried out in a safe manner and in accordance with the requirements of Australian Standard - AS 2601 Demolition of Structures. 	<p>All work which involves asbestos cement is to be carried in accordance with the current requirements of the WorkCover Authority and Council's Asbestos Policy.</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>

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<ul style="list-style-type: none"> Must not be for the purpose of on site car parking, or have the effect of allowing, directly or indirectly, the establishment, or enlargement, of areas to be used for on site car parking. 	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.
Driveways and Pathway (other than over a public land) (replacement only)	<ul style="list-style-type: none"> Replacement or resurfacing with similar or existing materials. Constructed to maintain the natural flow of water. Does not require new gutter crossing. Not elevated or suspended above natural ground level. 	The installation of permeable paving is encouraged by Council.
Fences (other than fences covered by the <i>Swimming Pools Act</i> 1992) General requirements	<ul style="list-style-type: none"> Not a heritage item. Not land located within a heritage conservation area. All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage. The development is not carried out within at least 1m of any easement or public sewer main. Constructed of timber, metal or lightweight materials. No barbed wire or corrugated sheeting or broken glass. Gates as part of front fences fronting a road must not encroach over the street alignment when opening or closing. 	<p>These requirements do not set aside the provisions of the <i>Dividing Fences Act</i> 1991. You are advised to talk to your neighbour at an early stage and consult the <i>Dividing Fences Act</i> 1991.</p> <p>Heights are to be measured from the lowest adjacent ground level.</p> <p>Fences exceeding the provisions outlined in column 2 require approval from Council.</p>
1. Front fences (including fences forward of front alignment of building)	<ul style="list-style-type: none"> Maximum height of 600mm if constructed of timber, metal or other lightweight materials. 	Heights are to be measured from the lowest adjacent ground level.
2. Side (between the front building line and the rear boundary and rear boundary fences)	<ul style="list-style-type: none"> Maximum height of 1.8m if constructed of timber, metal or other lightweight materials. 	Heights are to be measured from the lowest adjacent ground level.
3. Masonry fences between the front building line and the rear boundary and rear boundary fences	<ul style="list-style-type: none"> Maximum height of 600mm and constructed in accordance with: <ul style="list-style-type: none"> AS 3700 – Masonry Code AS 3600 – Concrete Structures 	<p>Masonry fences over 600mm require approval from Council.</p> <p>Masonry front fences including fencing between the front building alignment and the front boundary require Council approval.</p>
Flagpoles	<ul style="list-style-type: none"> Associated with a dwelling. Free standing and pre fabricated. Maximum height of 6m above ground level. Maximum of one flag pole per dwelling. Located behind the front building line. The development is not carried out within at least 1m of any easement or public sewer main. 	If flagpoles are to project over a public road they must comply with Clause 138 of the <i>Roads Act</i> 1993.
Garden sheds associated with residential buildings.	<ul style="list-style-type: none"> Free standing and pre-fabricated. Maximum floor area of 10m². Maximum height of 2.1m. 900mm from the boundary. Be of non-reflective materials. Must be located in the rear yard. 	Masonry structures require the approval of Council.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
	<ul style="list-style-type: none"> If the garden is identified as a heritage item - landscape site the structure must be located so as not to alter the existing layout of the garden. The development is not carried out within at least 1m of any easement or public sewer main. 	
Hoardings	<ul style="list-style-type: none"> To form a consistent and secure border within the boundary of the site, immediately adjacent the footpath. Must comply with AS 1576.1 Scaffolding - General Requirements and WorkCover requirements. The vertical height above footpath level of the structure being erected or demolished must be less than 4m. A hoarding is to be constructed of solid materials to a height not less than 2.4m above level of the footpath or thoroughfare. Not to encroach onto public footway or thoroughfare. Appropriate signage is to be provided in accordance with AS1319 Safety Signs for Occupational Environment. 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. 	
Home Occupation	<ul style="list-style-type: none"> Must be carried out within a Council approved dwelling. No structural work is required to the property. Occupation does not involve the registration of the building under the <i>Factories, Shops and Industries Act 1962</i>. No employees other than permanent residents of the dwelling. No display of goods or advertising on the premises. No sale of goods from the premises. No interference with the amenity of the area by reason of such things as noise, vibration, smell, fumes, smoke or other waste products. Any notice, advertisement or sign is to be non-illuminated and not to exceed 0.75m². Noise generated from the occupation is not to exceed 5dBA above the ambient background noise level measured at the property boundary/ Noise generated from the activity is not to 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. The proposed use does not involve the preparation of food for commercial purposes. Water fixtures (taps, showerheads and toilets) must have a 3A water efficiency rating. Light fittings must incorporate efficient models. 	<p>Developments are encouraged to comply with the Manual of Assessment Procedure for Water Efficient Appliances (SAA MP64-1995) for the following:</p> <ul style="list-style-type: none"> Shower heads - 9 litres or less per minute; Water tap outlets -9 litres or less per minute; and Dual flush toilet suite - 6/3 litre dual flush cistern or approved dual flush equivalent.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
Letter Boxes	<ul style="list-style-type: none"> Centrally located either/or close to the major street entry and lockable. Maximum height of 1.2m above ground level. Appropriate numbering visible from street. 	
Outbuildings – (associated with dwellings including aviaries, cabanas, green houses, cubby houses and other minor structures)	<ul style="list-style-type: none"> The structure is to be detached from the dwelling. Maximum floor area of 10m². Maximum height of 2.1m. The structure must be located in the rear of the dwelling and a minimum of 900mm from the boundary. Supporting posts must be fixed to concrete footings or slabs. The structure must be located so as not to interfere with the views of other property owners. If the garden is identified as a heritage item-landscape site, the structure must be located so as not alter the existing layout of the garden. The development is not carried out within at least 1m of any easement or public sewer main. 	Any works involving asbestos must comply with the Work Cover Authority's "Guidelines for Practices involved with Asbestos in Buildings" and Council's Asbestos Policy.
Painting – external walls	<ul style="list-style-type: none"> 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. 	
Parks, gardens and landscaping	<ul style="list-style-type: none"> Not a heritage item – landscaped site. Constructed, designed, and installed in accordance with relevant Australian Standards and/or Building Code of Australia. 	Works are not to have a detrimental impact on public amenity.
Pergola (Open)	<ul style="list-style-type: none"> Not a heritage item. Maximum pergola floor area of 20m². Maximum height of 2.4m above the natural ground level. Located a minimum of 900mm from the boundary Not to be visible from a public place. Not to be roofed or enclosed. The development is not carried out within at least 1m of any easement or public sewer main. 	Roofed, partly or fully enclosed pergolas require consent.
Photovoltaic Panels	<ul style="list-style-type: none"> Installed to manufacturers specifications by a Clean Energy Council accredited tradesperson. Must not be visible from a public place. 	
Playground equipment including basketball hoops and backing boards	<ul style="list-style-type: none"> Residential premises only. Located in the rear yard area of a building identified as a heritage item. Located behind the front building alignment for a building within a conservation area. Designed, fabricated and installed in accordance with AS 4685 - Playground Equipment. The development is not carried out within at least 1m of any easement or public sewer main. 	
Playground equipment (on land classified as community land)	<ul style="list-style-type: none"> Construction by or for the council and designed, fabricated and installed in accordance with AS 4685 - Playground Equipment. 	Community land is classified under the <i>Local Government Act 1993</i> . Works are not to have a detrimental impact on public amenity.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
Playground equipment (on land classified as community land)	<ul style="list-style-type: none"> Construction by or for the council and designed, fabricated and installed in accordance with AS - 4685 Playground Equipment. 	<p>Community land is classified under the <i>Local Government Act</i> 1993.</p> <p>Works are not to have a detrimental impact on public amenity.</p>
Re-cladding of roofs or walls	<ul style="list-style-type: none"> Not a heritage item. Not a building within a heritage conservation area. Replace existing materials with similar materials (e.g., corrugated iron would be replaced with corrugated profile not another profile such as Trimdek, Klip-lok etc). Re-cladding is not to involve structural alterations. 	<p>Any work involving asbestos cement should comply with the WorkCover Authority's "Guidelines for Practices.</p> <p>Involving Asbestos Cement in Building" and Council's Asbestos Policy.</p> <p>Any work involving lead paint must not cause lead contamination of air or ground or enter drainage or storm water systems.</p>
Retaining walls	<ul style="list-style-type: none"> Not a heritage item including a landscape site. Maximum height of 600mm. Masonry walls to comply with: <ul style="list-style-type: none"> AS3600 – Concrete Structures; and AS3700 – Masonry Code Timber walls to comply with AS1720 – Timber Structures. All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off. The development is not carried out within at least 1m of any easement or public sewer main. Does not increase height of finished ground level. Retains soil at existing ground level. 	
Satellite Dishes	<ul style="list-style-type: none"> Refer to Clause 17 of SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development. 	
Scaffolding	<ul style="list-style-type: none"> Does not encroach onto footpath or public thoroughfare. Must enclose the work area. Must comply with AS1576 Scaffolding – General requirements. 	<p>Any work involving asbestos cement should comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Building" and Council's Asbestos Policy.</p>
Sky lights – Dwelling houses only	<ul style="list-style-type: none"> Not a heritage item. In non habitable roof space. Not on the front facade of the building. Maximum area of the skylight is not to exceed 20% of the roof or part of the roof. The area of the skylight or roof window must not exceed 2m². Maximum of one sky light per 25m² of roof area. Must be at least 900mm from any boundary. Installed by a licensed contractor. 	

Exempt Development Type	Exempt Development Criteria	Advisory Notes
Solar Hot Water Heaters	<ul style="list-style-type: none"> Not visible from a public place. Installed to manufacturers specifications by a Clean Energy Council accredited tradesperson. 	
Street Scape and Civic Improvements (including street furniture, footpath paving, bins, picnic, tables, lighting and tree planting – excluding bus shelters)	<ul style="list-style-type: none"> Construction by or for the Council and designed, fabricated and installed in accordance with relevant Australian Standards and/or Building Code of Australia. Located on land under control of the Council. 	Works do not have a detrimental impact on public amenity.
Temporary Structures (including building sheds associated with building sites, port-a-loos, marquees, tent, market stalls, and stages) and excluding the preparation of food.	<ul style="list-style-type: none"> Not used for residential purposes. Maximum height 3.6m. Located 1.5m from all boundaries. Removal must occur immediately after completion of the activity or event. The development is not carried out within at least 1m of any easement or public sewer main. 	Demountable buildings require approval.
Water Supply, Sewerage & Stormwater Drainage Users	<ul style="list-style-type: none"> Stormwater drainage works of a public works or civil works nature constructed by, or, for the Council. Water-main renewals and/or amplifications undertaken by or on behalf of Sydney Water Corporation. 	All cases. All necessary referrals must be made.
Water heaters (excluding solar water heaters)	<ul style="list-style-type: none"> Located behind the front building alignment. Located at ground level. Located 900mm from the boundary. Gas water heaters must be rated no less than one Energy Star below the maximum available at the time of installation. Electric storage water heaters should exceed the Minimum Energy Performance Standards (MEPS) by at least 10% (refer to www.energyrating.gov.au/meps1). Position water heaters as near as practical to bathrooms to minimise heat loss during piped transport to hot water. 	
Water Tanks (at or above ground level)	<ul style="list-style-type: none"> Refer to Clause 16 of SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development. 	Refer to www.legislation.nsw.gov.au
Windows, glazed areas and external doors	<ul style="list-style-type: none"> Not a heritage item. Not a building in a heritage conservation area. Replacement in residential premises with materials that comply with: <ul style="list-style-type: none"> AS 1288 - Glass in Buildings - Selection and Installation; and AS 2208 - Safety Glazing Materials in Buildings. Does not increase or reduce the area provided for light and ventilation. Work including the replacement of external window frames with identical window frames does not alter the front and side façade (if fronting a public area) or a building of heritage significance of within a Heritage Conservation Area). 	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 and to ensure the appropriate quality of glazing is selected, especially as to whether safety glass is required and installed. Works involving asbestos must comply with the WorkCover Authority's "Guidelines for Practices Involved Asbestos in Buildings" and Council's Asbestos Policy.

Exempt Development Type	Exempt Development Criteria	Advisory Notes
		Any work involving lead paint removal must not cause lead contamination of air or ground.
Works (emergency and maintenance building works)	<ul style="list-style-type: none"> Replace existing damaged materials with the same materials including fabric and colour (eg corrugated iron would be replaced with similar corrugated profile). 	Works (emergency and maintenance building works)
Utilities – Electricity Supply Erection of low voltage over-head electricity conductors	Not in a heritage conservation area.	
Public Lighting	As requested by Council.	
Installation of underground connections	The works do not involve more than 20m of excavation of any road carriageway.	
Connection of cables to existing underground ducts and the connection to existing cable	The works do not involve more than 20m of excavation nor the excavation of any road carriageway.	
Additions and alterations to apparatus or equipment	The equipment is to be located within an existing building or enclosure.	
Maintenance of Distribution Assets		Tree lopping is to be undertaken in consultation with Council.

3.0 COMPLYING DEVELOPMENT

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

- (a) The development is permissible under the relevant environmental planning instrument, which applies to the land.
- (b) The development is not an existing use, as defined by in Section 106 of the EP & AA 1979.
- (c) The development does not have a detrimental impact on the amenity of a neighbourhood or public place.
- (d) The development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- (e) The development complies with the relevant standards set by this Part.
- (f) The development does not contravene any conditions of development consent applying to the land.
- (g) 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.
- (h) The development is to be carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water applying to the land.
- (i) A certificate of compliance has been obtained for the development, if required from Sydney Water.
- (j) The development does not require the removal, lopping or cutting of roots of a tree, which would require consent under the Council's Tree Preservation Order.
- (k) The development is not located on land that is identified as a heritage item or is within a heritage conservation area in the WLEP 1996 and WLEP 1996 – Heritage Map.

Note: If heritage provisions affect your land (ie., if your land is a heritage item or within a heritage conservation area as identified within the WLEP 1996) 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 consent from Council or an accredited certifier prior to work commencing. Consent 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 a complying development certificate, if being lodged with the Council are:

- A completed application form signed by the owner;
- Two (2) sets of professionally drawn plans and specifications

<div><div>complying with the Building Code of Australia;</div><div><ul style="list-style-type: none">• Engineering drawings if applicable; and• A written schedule, which demonstrates how the application complies with the complying development criteria as, listed in column 2 of Table 2.</div></div> <div><p>The EP & AA 1979 requires Council or an accredited certifier to process complying development Certificates within 7 days provided the plans and specifications satisfy all the complying development criteria from this plan and any prescribed conditions of consent 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.</p><p>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.</p></div>	
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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
Bed and Breakfast Accommodation	<ul style="list-style-type: none"> • Located in an approved dwelling house that is occupied by the owner. • No structural work is required to the property. • No more than 2 guest bedrooms. • Accommodation is limited to no more than 4 guests. • Providing temporary accommodation for visitors for a maximum period of 1 month. • A minimum of two bathrooms. • One sign (non-illuminate) per premises - not exceeding 0.6m². • Complies with the <i>Food Act</i> 2003 and with AS 3786 Smoke Alarms and AS 3000 Electrical Installations – Building, Structures and Premises. • Has a fire extinguisher and fire blanket in the kitchen.
Commercial Premises and shops (building alterations)	<ul style="list-style-type: none"> • Internal alterations to buildings. • Alteration to the entranceway or shopfronts. • The proposed works are within the existing approved envelope of the shop. • Any new entrance faces directly to the public street or pedestrian way on the property boundary of the building. • No roller shutter doors are permitted within the shopfront. • The works do not result in an increase in the total floor area of the building. Or decrease the floor area used for pedestrian access paths or access to fire exists. • Water fixtures (taps, showerheads and toilets) must have a minimum 3A water efficiency rating. • Light fittings must incorporate energy efficient technologies. • 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 schemes at the time of installation. • Developments must comply with the Manual of Assessment Procedure for Water Efficient Appliances (SAA MP64 -1995) for the following: <ul style="list-style-type: none"> • Shower heads - 9 litres or less per minute; • Water tap outlets - 9 litres or less per minute; and • Dual flush toilet suite - 6/3 litre dual flush cistern or approved dual flush equivalent. • Access to the premises is to comply with provisions AS 1428.1 Design for Access and Mobility.
Commercial Premises and shops (new commercial/ retail use in a commercial premises, Change of Use or variation of conditions of consent)	<ul style="list-style-type: none"> • In an existing approved and lawfully constructed premises. • No structural work is required to the property. • New use of a premises for shops, offices and commercial premises, excluding food shops. • A change of use between of shops, offices and commercial premises, excluding food shops. • Hours of operation do not exceed beyond 8:00am – 8:00pm Monday to Sunday. • The use of the premises is to comply with the requirements of WLEP 1996. • Activities such as commercial car washes, commercial laundries, dry cleaners, medical centres, mechanical repairs, photographic processing and veterinary surgeon must contact Sydney Water Corporation regarding the need to obtain a trade waste certificate. • Developments must comply with the AAA rating as listed in the Manual of Assessment Procedure for Water Efficient Appliances (SAA MP64-1995) for the following:

Complying Development Type	Complying Development Criteria
	<ul style="list-style-type: none"> Shower heads - 9 litres or less per minute; Water tap outlets - 9 litres or less per minute; and Dual flush toilet suite - 6/3 litre dual flush cistern or approved dual flush equivalent. The change of use requires no increase in the provision of off street car parking spaces – in accordance with Part 11.
Decking, Pergolas And Verandahs	<ul style="list-style-type: none"> Maximum floor area of 20m². Maximum height of 500mm above ground level. Minimum boundary setback of 900mm. Maximum height of the pergola structure 2.4m. Located in the rear yard area. Not visible from a public area. Not to be roofed or enclosed. External surfaces are to be of materials, colours and finishes that are in keeping with the surrounding natural and built environment.
Demolition	<ul style="list-style-type: none"> Must be demolition of a building, structure or work which is complying development described in this Part. Demolition must be carried out in accordance with AS 2601 – Demolition of Structures. Must not be for the purpose of on site car parking, or have the effect of allowing, directly or indirectly, the establishment, or enlargement, of areas to be used for on site car parking. <p>Note: This provision does not apply to development that satisfies the complying development criteria but which was constructed before 8/12/99 when this Part (previously known as DCP 27 – Exempt and Complying Development) came into effect.</p>
Dwelling Houses <ul style="list-style-type: none"> Erection of a detached single storey dwelling. Alterations and single storey additions to be used for habitable purposes only. 	<ul style="list-style-type: none"> Development occurs at the natural ground level. The erection of dwellings is only permissible on lots between 450m² and 1000m² in area. Minimum setback of 900mm from a side boundary. Complies with the requirements of Building Code of Australia and the Tree Preservation Act. Complies with the requirements outlined in Annexure C2 – 1. Must not be for the purpose of on site car parking, or have the effect of allowing, directly or indirectly, the establishment, or enlargement, of areas to be used for on site car parking. Water fixtures (taps, showerheads and toilets) must have an AAA energy efficiency rating. Appliances must be no less than one star below the maximum for that appliance type on the WELS water efficiency and / or Energy Star rating scheme at the time of installation.
Fences (masonry)	<ul style="list-style-type: none"> Located on the side (between the front building line and the rear boundary) and rear boundary. Maximum height of 1.8m. Fences are to be constructed so they do not prevent the natural flow of storm water drainage.
Subdivision (dwelling houses)	<ul style="list-style-type: none"> Formalising existing lot boundaries. Minor boundary adjustments resulting in a 5% variation in the size of the lot. Correcting an encroachment on a lot.
Swimming Plunge, Lap Pools and Spas.	<ul style="list-style-type: none"> Ancillary to a dwelling and for private use only. Pool coping no higher than 500 mm above the existing ground level. On lots greater than 325m². The pool is located between the dwelling and the rear boundary. Decking around the pool is no more than 500mm above the natural ground level. The setback is a minimum of 900mm from the boundaries.

Complying Development Type	Complying Development Criteria
	<ul style="list-style-type: none"> • The noise level of the filtration equipment or pumps does not exceed 5dBA above the ambient background level measured at the boundary. • 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. • The swimming pool or ancillary structures are not to be sited below the crown of existing trees. • A minimum of 20% of the site is to be soft landscaping – excluding the swimming pool area. • Provide a pool safety fence constructed to comply with the <i>Swimming Pools and Regulation Act 1992</i> and AS 1926.1 Swimming Pool Safety. • Pump operation is to be restricted to 8am to 8pm on Sunday and 7am to 8pm on Monday to Saturday in accordance with the Department of Environment and Conservation's "Noise Guide for Local Government", (amended February 2007). • The premises have not been subject to a BASIX Certificate.
Temporary buildings (including demountable buildings used for offices, educational establishments)	<ul style="list-style-type: none"> • The establishment of a building and its use for a period of less than 5 years. • The building must be demolished or removed within 60 days of the expiry date. • The building is not to be used for residential purposes or the preparation and retailing of food. • Maximum height of the building is 1 storey. • Buildings are set back from every boundary by a minimum of 3 metres.
Temporary or Mobile Structures (temporary mobile market stalls, mobile food including ice cream and coffee, dog grooming and massage)	<ul style="list-style-type: none"> • Not to use structure for residential purposes. • Removal of the structure must occur immediately after the completion of the activity or event. • The development is not carried out within at least 1 metre of any easement or public sewer main. • Temporary food related events, stalls and mobile structures require registration and Council licensing. • All aspects of the structure comply with the State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007. • All aspects of the structure comply with Schedule 3A of the Environmental Planning and Assessment Regulation 2000.

Annexure C2-1 Dwelling Houses

Streetscape

- Building works are to be set back to the front building line – defined as the average setback of like dwellings on land on either side of the subject property unless the front setback of the adjoining buildings is less than 3m, then a minimum 3m setback must be observed.
- Building works fronting a public street or accessway has a front door or living room window facing the street.
- Building works reasonably match and are sympathetic to the design/architectural style of the dwelling and adjoining dwellings through roof form, materials, colour and detailing.
- Fencing must comply with the exempt and complying development criteria outlined in this Part.

Energy Efficiency and Water Conservation

- Building works creating habitable areas are constructed in accordance with the minimum 3.5 star rating under the Housing Energy Rating Scheme.
- Developments must comply with the AAA rating as listed in the Manual Assessment Procedure for water Efficient Appliances (SAA MP64–1995) for the following:
 - Shower heads – 9 litres or less per minute
 - Water tap outlets – 9 litres or less per minute; and
 - Dual flush toilet suite – 6/3 litre dual flush cistern or approved dual flush equivalent.
- New dwellings must comply with Part G4 – Water Management.

Bulk and Scale

- The ground floor level of the structure, at any point is no more than 500mm above natural ground level.
- The floor space ratio of the new dwelling must comply with the floor space requirements contained in Part D1 of WDCP.
- The maximum height of the external wall does not exceed 2.7m.
- The external wall of the structure is set back at least 900mm from the side boundary.
- The external wall of the structure is setback from the rear boundary – in accordance with the existing rear building line, which is the average setback of like dwellings on land on either side of the subject property.
- The front set back is consistent with adjoining buildings unless the front setback of the adjoining building is less than 3m, then a minimum 3m setback must be observed.
- The roof pitch is no greater than 24 degrees and any openings are flush with the roof pitch.
- The private open space and habitable rooms of the adjoining properties are not to be in shadow between 10:00am and 3:00pm on 21 June, as a result of the proposed development.

Privacy

- Where windows of habitable rooms are directly looking out to windows of habitable rooms of adjacent dwellings, the windows in the proposed building works:
 - are offset from the edge of one window to the edge of the other by a distance of 0.5m;
 - have sill heights of 1.5m above floor level; and
 - have fixed obscured or translucent glass in any part of the window below 1.5m above the floor.

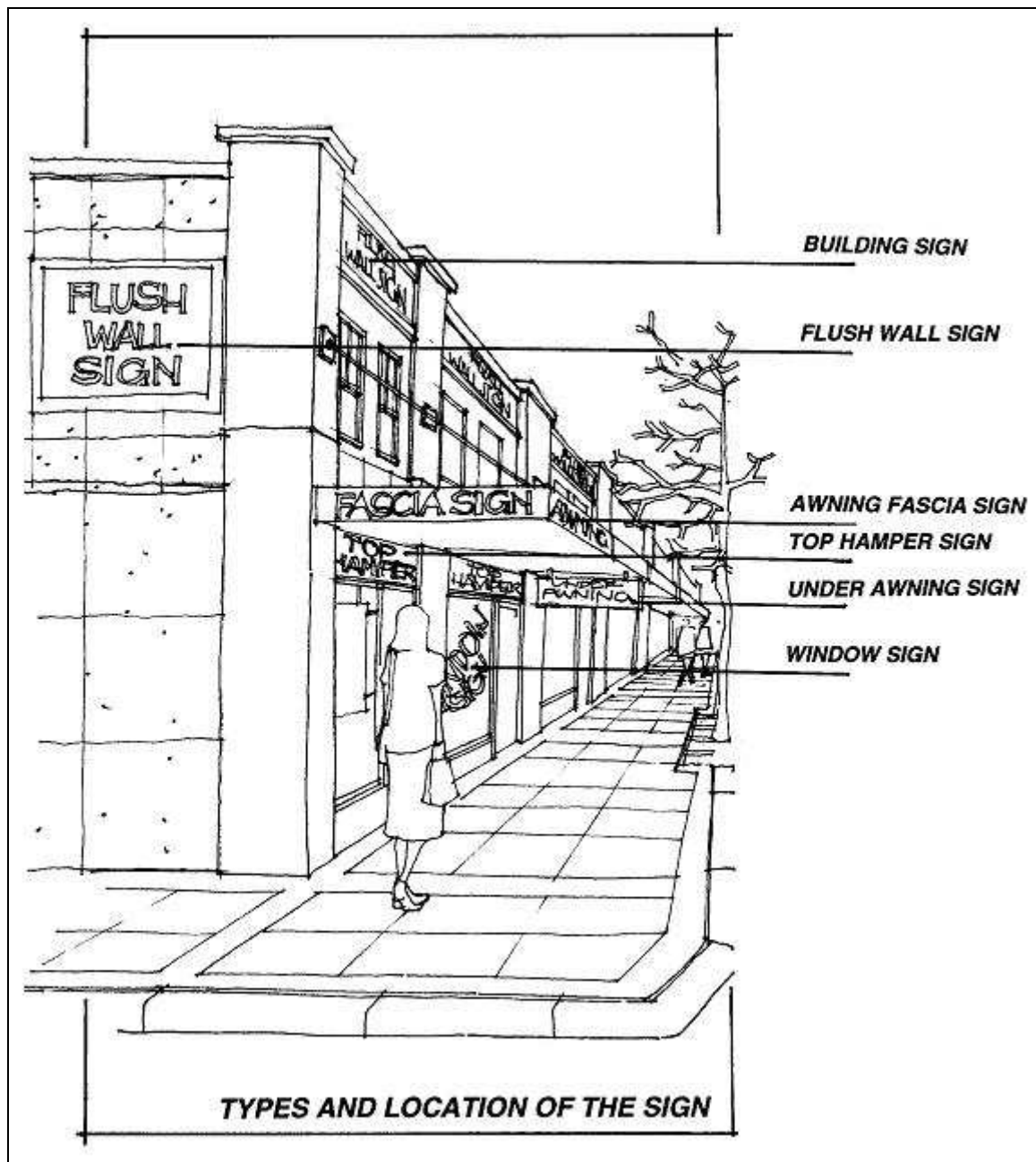
Open space and Landscaping

- A minimum of 33% of the site is to remain unbuilt upon.
- A minimum of 20% of the site to be soft landscaped.
- No mature vegetation is to be removed, without approval under Council's Tree Preservation Order.

Car parking and Driveways

- On site parking is to comply with the provisions of Part I1.
- All parking must be located behind the front building line.
- The design and location of the driveway must comply with the provisions of the Road and Traffic Authority Guide to Traffic Generating Developments.
- No part of a building is to be demolished for the purpose of on site car parking, or have the effect of allowing, directly or indirectly, the establishment, or enlargement, of areas to be used for on site car parking.

Annexure C2-2
Advertising Structures – Shown Diagrammatically



Annexure C2-3 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 Customer Services Centre or downloaded from: 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 Customer Services 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/builder;
- (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 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. More information is included in Council's Water Management Technical Guidelines.

18. STORMWATER MANAGEMENT

All seepage and surface waters and roof waters being collected and disposed of in accordance with Council's 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

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 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 SSROC's Soil and Water Management Brochure 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.

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 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.
