

Warren Marsh
Unit 1006, 88 Alfred Street South
MILSONS POINT NSW 2061

Z41/22 - CDC-76021
DWJ (CIS)

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
Notice to Applicant of Determination of Complying Development Certificate

Pursuant to Part 4, Division 4.5 of the Environmental Planning and Assessment Act 1979, notice is given that Complying Development Certificate Application No. **Z41/22** proposing **internal alterations installing new staff WC/sanitary facility at rear of Ground Floor shop** on land described as **88 Alfred Street South, Milsons Point** was determined under delegated authority by the granting of approval.

Complying Development Certificate Application No: Z41/22

Bca Classification: 6
Land Use Zone: B4 - Mixed Use
Plans & Specifications: See table below

Plan No.	Issue	Title	Drawn by	Dated	Received
CDC-A00.a	O	Location Plan	Bates Smart	26.05.22	27.06.22
CDC-A01.a	A	General Arrangement	Bates Smart	26.05.22	27.06.22
CDC-A02.a	A	Detail Plan & Section	Bates Smart	10.06.22	27.06.22

Attachments:

- Conditions
- Fire Safety Schedule

This Complying Development Certificate was prepared by **Dane Johnson** who may be contacted on telephone number **9936 8100** between 9.30 am and 11.00 am, Mondays to Fridays, or at any time via Council's email address council@northsydney.nsw.gov.au.

I certify that the proposed development is complying development and if carried out as specified in this certificate, will comply with all development standards applicable to the development and with the requirements prescribed by the *Environmental Planning and Assessment Regulation 2021* concerning the issue of this certificate.

SIGNATURE: _____

LONG HUYNH
TEAM LEADER – BUILDING COMPLIANCE

Registration Number: BDC No. 2003

Date Of Issue: 11 August 2022

Certificate Number: Z41/22

FIRE SAFETY SCHEDULE
88 ALFRED STREET SOUTH, MILSONS POINT

Item	Measure	Standard of Performance	Existing	Proposed
1.	Access Panels, Doors and Hoppers	BCA Clause C3.13	X	
2.	Automatic Smoke Detection (residential parts)	<p>BCA Spec. E2.2a & AS 1670.1-2004, AS/NZS 1668.1-1998, AS3786:1993, Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016.</p> <ul style="list-style-type: none"> • Within SOU's an AS3786 smoke alarm should be provided • In residential corridors detection in accordance with AS1670.1 shall be provided • An AS1668.1 smoke detection system should be provided to operate the stair pressurisation system • An automatic link shall be provided directly to an approved monitoring centre on activation of the fire detection system 	X	
3.	Automatic Fire Suppression System	<p>BCA Spec. E1.5 & AS2118.1-1999, AS2118.6-1995 (Combined sprinkler & hydrant) & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016.</p> <ul style="list-style-type: none"> • Alarm valves must be in a room with direct egress to road or open space. • The sprinkler system must be connected to activate the sound system and intercom system for emergency purposes (SSISEP) and direct brigade alarm. • Class A monitoring of the system and a Grade 1 water supply should be provided. • Fast response sprinkler heads (RTI no greater than 50m ½ s ½) are required for the carpark. • The balcony above the booster must be sprinkler protected in accordance with AS2118.1-1999 (regardless of any concessions in AS2118.1). • An automatic link shall be provided directly to an approved monitoring centre on activation of the sprinkler system. • Sprinklers are permitted to be located directly above shower screen doors, having a minimum clearance of 200mm. The shower screen doors must open inwards into the shower. 	X	
4.	Emergency Lifts	BCA Clause E3.4 & AS 1735.2-2001	X	
5.	Emergency Lighting	BCA Clause E4.2, E4.4 & AS/NZS 2293.1-2005	X	

6.	Sound Systems and Intercom Systems for Emergency Purpose (SSISEP)	BCA Clause E4.9 & AS 1670.4-2004 & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016. <ul style="list-style-type: none"> Should achieve an A-weighted sound pressure level of 75Db at the bedhead (as stipulated in AS1670.1-2004 Clause 3.22) in lieu of the requirements of Spec E2.2a Clause 6 of the BCA. A sounder and strobe light are to be provided on rooftop plant deck (L16). 	X	
7.	Emergency Evacuation Plan	AS3745 – 2010	X	
8.	Exit Signs	BCA Clauses E4.5, NSW E4.6 & E4.8 and AS/NZS 2293.1 - 2005	X	
9.	Fire Control Centres and Rooms	BCA Spec E1.8	X	
10.	Fire Dampers	BCA Clause C3.15, AS/NZS 1668.1-1998 & AS 1682.1&2 - 1990	X	
11.	Fire Doors	BCA Clause C3.2, C3.4, C3.5, C3.6, C3.7 & C3.8, Spec C3.4 and AS1905.1-2005	X	
12.	Fire Hose Reels	BCA Clause E1.4 & AS 2441-2005	X	
13.	Fire Hydrant System	BCA Clause E1.3 & AS 2419.1-2005 & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016. <ul style="list-style-type: none"> Booster may be located within 2m of retail glazing provided drenchers are provided. Booster may be located within 3m of balcony opening above. The topmost connection may be up to 1250mm above FFL. <p>Where additional hydrants are required that are not located in fore-isolated stairs, a floor specific block plan is to be installed adjacent to the internal fire hydrants located within the fire isolated stairwells. It is noted that this occurs only on ground floor level.</p> <p>The sole purpose of the block plan is to locate the additional internal hydrants on that level by pictorially and numerically illustrating the location of the next available additional hydrant. The plans should be a minimum of A3 in size and be oriented to reflect the floor plate as being viewed facing the door with a “YOU ARE HERE” note and be incorporated into the fire safety schedule.</p>		
14.	Fire Seals, Collars	BCA Clause C3.15, C3.16 & AS 1530.4-2005	X	
15.	Mechanical Air-Handling System	BCA Clause E2.2a, AS/NZS 1668.1-1998	X	
16.	Paths of Travel	EP&A Reg 2000 Clause 186, & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016. <p>At least two exits are required from each level except for:</p> <ul style="list-style-type: none"> Basement Level 4: where access must also be maintained via stair to BL3. The doors from the lift lobby on BL3 to the carpark must be fitted with a vision panel. Level 16: with only access being to the rooftop plant 	X	

		<p>Travel distances to an exit, between alternate exits and to a point of choice are to comply with the exception of on BL2 where up to 30m to a point of choice and up to 52m to the nearest exit exist.</p> <p>Egress paths must be a minimum of 1m wide, with the following exceptions:</p> <ul style="list-style-type: none"> • Basement Level 2 (BL2) the path alongside storage cages S213-S217 is reduced to approx. 0.75m at columns. • Within the existing stairs, the landing width clear width is reduced to 770mm. 		
17.	Portable Fire Extinguishers	BCA Clause E1.6 & AS 2444 – 2001	X	
18.	Smoke Hazard Management System (carpark)	BCA Part E2 & AS 1668.1-1998	X	
19.	Smoke Dampers	AS/NZS 1668.1-1998	X	
20.	Smoke Seals	<p>BCA Spec. C3.4 Clause 3.2 & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016.</p> <ul style="list-style-type: none"> • Doors into the fire stair serving BL4 and BL3 (north-western corner) shall be self-closing - /60/30 fire doors with smoke seals to the top and sides of the doors (as per BCA Specification C3.4 Clause C3.4 Clause C3.2 to resist 200degrees C smoke for at least 30 minutes. 	X	
21.	Solid Core Doors	BCA Clause C3.11	X	
22.	Stair Pressurisation	<p>BCA E2.2, Table E2.2a, AS/NZS 1668.1-1998, BCA Spec C2.5(3) & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016.</p> <ul style="list-style-type: none"> • Stairs serving the car park levels which connect to the residential stair on BL1 are exempt provided that <ul style="list-style-type: none"> a) A smoke door separates the basement flights from the residential flights and passageway. b) Smoke lobbies are provided to the entry points on BL2 and BL3. 	X	
23.	Wall-Wetting Sprinkler and Drencher Systems	<p>BCA Clause C3.4 & AS 2118.2-1995 & Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016.</p> <p>Drenchers to be installed internally to the retail glazing panes within 2m of the booster.</p> <ul style="list-style-type: none"> • The drenchers and the glass they protect shall be designed and installed in accordance with BCA Clause C3.4 and AS2118.1-1999. • The drenchers shall be provided with a dedicated isolation valve located in the booster cabinet. • The location of the isolation valve and the wall-wetting sprinklers shall be detailed on the block plan. • The glazed portions shall be fixed closed and consist of Grade A safety glass in accordance with AS1299:2006 with no horizontal transoms or mullions. 	X	

		<ul style="list-style-type: none"> Water supply shall be available at the specified flow rate and pressure for a period of no less than 90 minutes. 		
24.	Warning & Operational Signs	EP& A Reg 2000 Clause 183, BCA Clause C3.6, D2.23, E3.3	X	
25.	Fire Engineering Report Alternative Solutions	<p>Fire Engineering Report by Core Fire Engineering Group Report No, 20107 (Rev 04) dated 30 November 2016. Alternative Solutions:</p> <ol style="list-style-type: none"> FRL of floor slabs rationalised in wet areas to 60/90/90 Basement Level 4 (BL4) and Level 16 have only a single exit in lieu of 2 exits Travel distances on Basement Level 2 are <ul style="list-style-type: none"> Up to 30m to a point of choice Up to 52m to the nearest exit The following paths of travel are less than the required 1m: <ul style="list-style-type: none"> Basement Level 2 (BL2) the path alongside storage cages S205-S209 is reduced to approx. 0.75m at columns Within the existing stairs, the landing width is a minimum of 950mm Within fire stair C at basement, the landing is reduced to 770mm clear width The rising stair from the carpark levels and descending stair from the residential levels converge to a single passageway with only ascending flights smoke separated from the discharge lobby. The hydrant booster is not installed in accordance with AS2419.1-2006 <ul style="list-style-type: none"> The booster is exposed to the retail glazing within 2m which does not achieve an FRL 90/90/90 The uppermost booster connection is within 3m of the balcony opening above The uppermost booster connection is 1250mm above ground level Sprinkler heads within bathrooms are located above shower doors, with 200mm clearance in lieu of 500mm 	X	

Conditions required by the Environmental Planning & Assessment Regulation 2021
Division 5 Conditions of complying development certificates

146 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989

- (1) A complying development certificate for development that involves building work must be issued subject to the following conditions—
 - (a) the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) for residential building work that requires a contract of insurance under the *Home Building Act 1989*—a contract of insurance must be in force before the building work authorised to be carried out by the certificate commences.
- (2) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to a condition that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- (3) This section does not limit the other conditions to which a complying development certificate may be subject.
- (4) This section does not apply—
 - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - (b) to the erection of a temporary building, other than a temporary structure to which subsection (2) applies.
- (5) In this section, a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the date on which the application for the relevant complying development certificate is made.

147 Fire safety systems in class 2–9 buildings

- (1) A complying development certificate for building work involving the installation, extension or modification of a relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 building must be issued subject to a condition that the building work must not commence unless—
 - (a) plans have been submitted to the principal certifier that show—
 - (i) for building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
 - (ii) for building work involving the extension or modification of the relevant fire safety system—the layout, extent and location of the new or modified components of the relevant fire safety system, and
 - (b) specifications have been submitted to the principal certifier that—

- (i) describe the basis for the design, installation and construction of the relevant fire safety system, and
 - (ii) identify the provisions of the *Building Code of Australia* on which the design of the system is based, and
- (c) the plans and specifications—
- (i) have been certified by a compliance certificate as complying with the relevant provisions of the *Building Code of Australia*, or
 - (ii) have been endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the *Building Code of Australia*, and
- (d) if the plans and specifications were submitted before the complying development certificate was issued—the plans and specifications are endorsed by a certifier with a statement that the certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions, and
- (e) if the plans and specifications were not submitted before the complying development certificate was issued—the plans and specifications are endorsed by the principal certifier with a statement that the principal certifier is satisfied they correctly identify the relevant performance requirements and deemed-to-satisfy provisions.
- (2) Subsection (1)(c)(ii) does not apply to the extent of an exemption under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (3) In this section—

relevant fire safety system means the following—

- (a) a hydraulic fire safety system,
- (b) a fire detection and alarm system,
- (c) a mechanical ducted smoke control system.

148 Notice to neighbours of commencement of work

- (1) This section applies to a complying development certificate for development involving—
- (a) the erection of a new building, or
 - (b) an addition to an existing building, or
 - (c) the demolition of a building.
- (2) This section applies only if the development will be carried out on a lot that has a boundary within 20 metres of the boundary of another lot on which a dwelling is located.
- (3) A complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must give each neighbour written notice of the person's intention to commence the work authorised by the certificate—

- (a) for development on relevant land—at least 7 days before commencing work, or
- (b) otherwise—at least 2 days before commencing work.

(4) In this section—

neighbour and ***relevant land*** have the same meaning as in section 134.

149 Erection of signs

- (1) This section applies to a complying development certificate for development involving building work, subdivision work or demolition work.
- (2) A complying development certificate must be issued subject to a condition that the requirements of subsections (3) and (4) must be complied with.
- (3) A sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - (a) showing the name, address and telephone number of the principal certifier for the work, and
 - (b) showing the name of the principal contractor, if any, for building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (4) The sign must be—
 - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - (b) removed when the work is completed.
- (5) This section does not apply in relation to—
 - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - (b) Crown building work certified to comply with the *Building Code of Australia*. under the Act, Part 6.

150 Notification of Home Building Act 1989 requirements

- (1) This section applies to a complying development certificate if—
 - (a) the development involves residential building work, and
 - (b) the principal certifier is not the council.
- (2) A complying development certificate must be issued subject to a condition that the work is carried out in accordance with the requirements of this section.

- (3) Residential building work must not be carried out unless the principal certifier has given the council written notice of the following—
 - (a) for work that requires a principal contractor to be appointed—
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
 - (b) for work to be carried out by an owner-builder—
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*—the number of the owner-builder permit.
- (4) If the information notified under subsection (3) is no longer correct, further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (5) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

151 Fulfilment of BASIX commitments

A complying development certificate for the following development must be issued subject to a condition that each commitment listed in a relevant BASIX certificate must be fulfilled—

- (a) BASIX development,
- (b) BASIX optional development, if the application for the complying development certificate was accompanied by a BASIX certificate.

152 Development involving asbestos material

- (1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions—
 - (a) prescribed asbestos removal work must be undertaken by a person who conducts a business of asbestos removal work in accordance with the *Work Health and Safety Regulation 2017*, clause 458 (a **licensed person**),
 - (b) the person having the benefit of the complying development certificate must give the principal certifier a copy of a signed contract with a licensed person before development under the complying development certificate commences,
 - (c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
 - (d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.

(2) In this section—

asbestos removal work has the same meaning as in the *Work Health and Safety Regulation 2017*.

friable asbestos has the same meaning as in the *Work Health and Safety Regulation 2017*.

non-friable asbestos has the same meaning as in the *Work Health and Safety Regulation 2017*.

prescribed asbestos removal work means asbestos removal work that involves the removal of—

- (a) non-friable asbestos from an area of more than 10 square metres, or
- (b) friable asbestos.

Note 1—

The effect of subsection (1)(a) is that the development will be a workplace to which the *Work Health and Safety Regulation 2017* applies while asbestos removal work is being undertaken.

Note 2—

Information on the removal and disposal of asbestos to landfill sites licensed to accept asbestos is available from the Environment Protection Authority.

153 Shoring and adequacy of adjoining property

- (1) This section applies to a complying development certificate for development that involves excavation that extends below the level of the base of the footings of a building, structure or work, including a structure or work in a road or rail corridor, on adjoining land.
- (2) The complying development certificate must be issued subject to a condition that the person having the benefit of the certificate must, at the person's own expense—
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) if necessary, underpin the building, structure or work to prevent damage from the excavation.
- (3) This section does not apply if—
 - (a) the person having the benefit of the complying development certificate owns the adjoining land, or
 - (b) the owner of the adjoining land has given written consent to the condition not applying.

154 Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of the relevant roads authority under section 128, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of the relevant roads authority must be complied with.

155 Development on contaminated land

If an application for a complying development certificate is required to be accompanied by a statement referred to in section 127(3), the complying development certificate must be issued subject to a condition that the requirements specified in the statement must be complied with.

156 Development contributions

- (1) This section applies if a council's contributions plan provides for the payment of a monetary section 7.11 contribution or a section 7.12 levy in relation to development for a particular purpose (a **relevant purpose**), whether or not the development is classed as complying development under the contributions plan.
- (2) A complying development certificate that authorises development for a relevant purpose must be issued subject to the following conditions—
 - (a) the condition required by the Act, section 4.28(9) requiring payment of a monetary section 7.11 contribution or a section 7.12 levy,
 - (b) the contribution or levy must be paid before the work authorised by the certificate commences.
- (3) This section applies despite a provision to the contrary in the council's contributions plan.
- (4) In this section—

section 7.11 contribution means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in the Act, section 7.11.

section 7.12 levy means the payment of a levy, as referred to in the Act, section 7.12.

157 Payment of security

- (1) This section applies to a complying development certificate authorising the carrying out of development if—
 - (a) the development involves the demolition of a work or building, the erection of a new building or an addition to an existing building, and
 - (b) the estimated cost of the development, as specified in the application for the certificate, is \$25,000 or more, and
 - (c) the development will be carried out on land adjacent to a public road, and
 - (d) at the time the application for the certificate is made, the council for the area in which the development will be carried out has specified, on its website, an amount of security that must be paid in relation to development—
 - (i) of the same type or description, or
 - (ii) carried out in the same circumstances, or
 - (iii) carried out on land of the same size or description.

- (2) A complying development certificate must be issued subject to a condition that the amount of security referred to in subsection (1)(d) will be given, in accordance with this section, to the council before the building work or subdivision work authorised by the certificate commences.
- (3) The applicant may give the security to the council by—
 - (a) a deposit with the council, or
 - (b) a guarantee satisfactory to the council.
- (4) The council may use the security to meet the cost of making good damage caused to council property as a consequence of doing a thing, or not doing a thing, authorised or required by the complying development certificate, including the cost of an inspection to determine if damage has been caused.
- (5) The balance of the security remaining after meeting the costs referred to in subsection (4) must be refunded to, or at the direction of, the person who gave the security.

158 Principal certifier to be satisfied that preconditions met before commencement of work

- (1) This section applies to a complying development certificate that involves building work or subdivision work.
- (2) The complying development certificate must be issued subject to the condition that the principal certifier for the building work or subdivision work, and over which the principal certifier has control, must be satisfied that any preconditions in relation to the work that are required to be met before the work commences have been met before the work commences.

Schedule 8 Conditions applying to complying development certificates under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code

Clauses 5.25 and 5A.5(a)

Note 1— Complying development under the Industrial and Business Alterations Code, the Industrial and Business Buildings Code and the Container Recycling Facilities Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2—

Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3—

In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4—

If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5—

Under section 4.29 of the *Environmental Planning and Assessment Act 1979*, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works—

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note—

Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

- (1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- (2) Each toilet must—
 - (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

3 Waste management

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site
- (2) The waste management plan must—
 - (a) identify all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material in tonnes and cubic metres to be—
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and

- (c) if waste materials are to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste materials are to be disposed of or recycled off-site—specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- (1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- (2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 Conditions applying during the works

Note—

The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

7 Works outside standard hours for construction

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—

- (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
- (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, *The demolition of structures*.

10 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
 - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- (2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.

12 Drainage connections

- (1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.
- (2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

12A Contamination discovered during works

- (1) If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the *Contaminated Land Management Act 1997*—
 - (a) all works must stop immediately, and
 - (b) the Environment Protection Authority and the council must be notified of the contamination.
- (2) Land is found to be contaminated for the purposes of this clause if the person having the benefit of the complying development certificate or the principal certifying authority knows or should reasonably suspect the land is contaminated.

Note—

Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.

13 Archaeology discovered during works

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note—

Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

14 Aboriginal objects discovered during works

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

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note—

If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

15 When a survey certificate is required

- (1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority—
 - (a) before any form work below the ground floor slab is completed, or
 - (b) if there is no such form work—before the concrete is poured for the ground floor slab.\
- (2) The survey certificate must be prepared by a registered land surveyor and show the location of the work relative to the boundaries of the site.

Part 3 Conditions applying before the issue of an occupation certificate

16 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

- (1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- (2) If the work is the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed and any monetary contributions required to be paid to the relevant water supply authority must be paid before the occupation certificate is issued.
- (3) If the work is the subject of a compliance certificate under section 73 of the *Sydney Water Act 1994*, the work must be satisfactorily completed and any monetary contributions required to be paid to the Sydney Water Corporation must be paid before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a **regulated system** within the meaning of the *Public Health Act 2010*, the system must be notified as required by the *Public Health Regulation 2012*, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a **food business** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act, or licensed as required by the *Food Regulation 2010*, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a **skin penetration procedure**, within the meaning of the *Public Health Act 2010*, will be carried out, the premises must be notified as required by Part 4 of the *Public Health Regulation 2012* before an occupation certificate (whether interim or final) for the work is issued.

Part 4 Operational requirements

21 Hours of operation

- (1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- (2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours—
 - (a) if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - (b) if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
 - (c) in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

The development must comply with the Noise Policy.

23 Lighting

- (1) All new external lighting must—
 - (a) comply with AS/NZS 4282:2019, *Control of the obtrusive effects of outdoor lighting*, and
 - (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

- (2) Lighting at vehicle access points to the development must be provided in accordance with the following standards—
- (i) AS/NZS 1158.0:2005, *Lighting for roads and public spaces, Part 0: Introduction*,
 - (iii) AS/NZS 1158.1.1:2005, *Lighting for roads and public spaces, Part 1.1: Vehicular traffic (Category V) lighting—Performance and design requirements*,
 - (iv) AS/NZS 1158.1.2:2010, *Lighting for roads and public spaces, Part 1.2: Vehicular traffic (Category V) lighting—Guide to design, installation, operation and maintenance*,
 - (v) AS/NZS 1158.2:2020, *Lighting for roads and public spaces, Part 2: Computer procedures for the calculation of light technical parameters for Category V and Category P lighting*,
 - (vi) AS/NZS 1158.3.1:2020, *Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements*,
 - (vii) AS/NZS 1158.4:2015, *Lighting for roads and public spaces, Part 4: Lighting of pedestrian crossings*,
 - (viii) AS/NZS 1158.5:2014, *Lighting for roads and public spaces, Part 5: Tunnels and underpasses*.

24 Use of driveways and parking areas

- (1) All driveways and parking areas must be unobstructed at all times.
- (2) Except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate) that applies to the premises, driveways and car spaces—
 - (a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - (b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

24A Loading and unloading of goods or materials

- (1) Loading and unloading goods or materials must not be carried out on a public road.
- (2) This condition does not apply to a complying development certificate for development involving a building with a gross floor area less than 500m² in Zone B1, B2, B3, B4 or B8 that existed before 1 February 2022.

24B Garbage and waste storage

- (1) A garbage and waste storage area for recyclable and non-recyclable waste materials and receptacles for those materials must—
 - (a) be provided as part of the development, and
 - (b) be located entirely within the lot on which the development is being carried out and not on a road or road reserve, and

- (c) comply with the following appendices in the document entitled *Better Practice Guidelines for Waste Management and Recycling in Commercial and Industrial Facilities* (ISBN 978-1-74293-944-5), published by the NSW Environment Protection Authority in December 2012—
 - (i) Appendices A and B, for the size and location of garbage and storage areas and the size of waste receptacles,
 - (ii) Appendices C and D, for the design of openings of waste storage areas and loading bay turning circles for waste removal vehicles,
 - (iii) Appendix E, for standard signs for waste storage areas,
 - (iv) Appendix F for the design and operational capacity of waste storage areas.
- (3) The waste storage area must—
 - (a) be screened, and
 - (b) be located behind the primary road frontage building line, and
 - (c) not be located in any car parking, loading or landscaped area, and
 - (d) not be located on any side of the building that faces an adjoining lot on which there is a dwelling.

25 Landscaped area (planting and maintenance)

- (1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- (2) All landscaped areas on the site must be maintained on an on-going basis.

Part 5 Conditions applying to entertainment venues

226 Application of prescribed conditions of development consent

The conditions of a development consent for the use of a building as an entertainment venue prescribed for the purposes of the Act, s 4.17(11) are conditions of a complying development certificate for the use of a building as an entertainment venue.

Note—

See the *Environmental Planning and Assessment Regulation 2000*, Schedule 3A.