



Mr Sam Sweeney
18 Stanhope Road
KILLARA NSW 2071

SH3 (CIS)
Z234/21

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. **Z234/21** proposing **Alterations an existing residential apartment** located on at the property described as **Unit 3, 238 Falcon Street, North Sydney**, was determined under delegated authority by the granting of approval.

Complying Development Certificate Application No:

Z234/21

BCA Classification:

2

Land Use Zone:

R4 – High Density Residential

Plans & Specifications:

See table below

Plan No.	Issue	Title	Drawn by	Dated	Received
000	Rev C	Coversheet	110 Design	8/12/2021	8/12/2021
100	Rev C	A4 Notification Plan	110 Design	8/12/2021	8/12/2021
101	Rev C	Existing Floor Plan	110 Design	8/12/2021	8/12/2021
102	Rev C	Existing Elevations	110 Design	8/12/2021	8/12/2021
103	Rev C	Demolition Plan	110 Design	8/12/2021	8/12/2021
200	Rev C	Site Plan	110 Design	8/12/2021	8/12/2021
201	Rev C	Proposed Floor Plan	110 Design	8/12/2021	8/12/2021
202	Rev C	Proposed Elevations	110 Design	8/12/2021	8/12/2021
203	Rev C	Proposed Sections	110 Design	8/12/2021	8/12/2021
SK01	Rev C	Ensuite Plan + RCP	110 Design	8/12/2021	8/12/2021
SK02	Rev C	Ensuite Internal Elevations	110 Design	8/12/2021	8/12/2021
SK02a	Rev C	Ensuite Render 01	110 Design	8/12/2021	8/12/2021
SK02b	Rev C	Ensuite Render 02	110 Design	8/12/2021	8/12/2021
SK03	Rev C	Bathroom Plan + RCP	110 Design	8/12/2021	8/12/2021
SK04	Rev C	Bathroom Internal Elevations	110 Design	8/12/2021	8/12/2021
SK04a	Rev C	Bathroom Render 01	110 Design	8/12/2021	8/12/2021
SK04b	Rev C	Bathroom Render 02	110 Design	8/12/2021	8/12/2021
SK05	Rev C	Kitchen Plan + RCP	110 Design	8/12/2021	8/12/2021
SK06	Rev C	Kitchen Internal Elevations	110 Design	8/12/2021	8/12/2021
SK06a	Rev C	Kitchen Render 01	110 Design	8/12/2021	8/12/2021
-	Rev B	Minimum Design & Construction Specification for Class 2 Buildings	110 Design	16/12/2021	16/12/2021

Attachments:

- Conditions
- Fire Safety Schedule

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 2000* concerning the issue of this certificate.

SIGNATURE:



Long Huynh
TEAM LEADER – BUILDING COMPLIANCE
Registration Number: BDC No. 2003

DATE OF ISSUE:

2 / 2 / 22

CERTIFICATE NUMBER:

Z234/21

FIRE SAFETY SCHEDULE

Unit 3, 238 Falcon Street, North Sydney

Item	Measure	Standard Of Performance	Existing	Proposed
1.	Automatic Fire Detection and Alarm System (common areas & carpark)	NCC BCA 2016, Clause E2.2 and Specification E2.2a, Clauses 4 & 6. Fire Safety Audit Report prepared by Credwell Consulting reference 10856 – Audit-rl, dated 14 February 2019.		X *
2.	Building Occupant Warning System	NCC BCA, Clause 6 E2.2 & Specification E2.2a, Clause 6.		X *
3.	Emergency Lighting	NCC BCA 2016, Clauses E4.2, E4.8 & AS: 2293.1 - 2005		X *
4.	Exit signs	NCC BCA 2016, Clauses E4.5, E.6, E4.8 & AS: 2293.1-2005.		X *
5.	Fire Dampers	NCC BCA 2016, Clause C3.15. Manufacturers specification	X	X *
6.	Fire Doors	NCC BCA 2016, Clauses C3.8, C3.11 & Specification C3.4, Clause 2 & AS: 1905.1-2005.	X	X *
7.	Fire Hose Reel Systems	NCC BCA 2016, Clause E1.4 & AS: 2441-2005. Fire Safety Audit Report prepared by Credwell Consulting reference 10856-Audit-rl, dated 14 February 2019.	X	X *
8.	Fire Hydrant Systems	NCC BCA 2016, Clause E1.3 & AS: 2419.1-2005. Fire Safety Audit Report prepared by Credwell Consulting reference 10856-Audit-rl, dated 14 February 2019.	X	X *
9.	Fire Seals (protecting openings in fire resisting components of the building)	NCC BCA 2016, Clause C.15 & AS: 1530.4-2014. Manufacturers specification		X *
10.	Lightweight construction (fire rated)	NCC BCA 2016, Clause C1.8 & Specification C1.8. Manufacturers specification		X *
11.	Portable Fire Extinguishers	NCC BCA 2016, Clause E1.6 & AS2444 – 2001	X	X *
12.	Smoke alarms & heat alarms (internal alarms in residential units)	NCC BCA 2016, Clause E2.2 & Specification E2.2a, Clause 3.		X *
13.	Warning and operations signs	NCC BCA 2016, Clause D2.23 & E3.3. EP&A Regulations 2000 (EP & A Regs), Clause 183		X *
14.	Paths of Travel	NCC BCA 2016, Parts D1 & D2. EP&A Regulations 2000, Clause 186	X	X *
15.	Nosing strips with a 30% luminance contrast to the general finish of the stairways.	Fire Safety Audit Report prepared by Credwell Consulting reference 10856-Audit-rl, dated 14 February 2019		X *

* As required by Council's Development Control Order – Fire Safety Order dated 23 April 2019. These upgrades do not form part of this application.

Conditions required by the Environmental Planning & Assessment Regulation 2000

Condition 1

136A Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) A complying development certificate for development that involves any building work must be issued subject to the following conditions:
 - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
- (1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date the application for the relevant complying development certificate is made).
- (2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.
- (3) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.
- (4) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

Condition 2

136B Erection of signs

- (1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with.
- (2) A sign must be erected in a prominent position on any 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 certifying authority for the work, and

- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and (c) stating that unauthorised entry to the site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

Condition 3

136C Notification of Home Building Act 1989 requirements

- (1) A complying development certificate for development that involves any residential building work within the meaning of the *Home Building Act 1989* must be issued subject to a condition that the work is carried out in accordance with the requirements of this clause.
- (2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed: (I) the name and licence number of the principal contractor, and
 - (i) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done 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 that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

Condition 4

136D Fulfilment of BASIX commitments

- (1) This clause applies to the following development:
 - (a) BASIX affected development,
 - (b) any BASIX optional development in relation to which a person has made an application for a complying development certificate that has been accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 4A of Schedule 1 for it to be so accompanied).
- (2) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

Condition 5

136E Development involving bonded asbestos material and friable 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) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the *Occupational Health and Safety Regulation 2001*,
 - (b) the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,
 - (c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
 - (d) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
- (2) This clause applies only to a complying development certificate issued after the commencement of this clause.
- (3) In this clause, ***bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work*** have the same meanings as in clause 317 of the *Occupational Health and Safety Regulation 2001*.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the *Occupational Health and Safety Regulation 2001* applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition undertaken in relation to complying development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* must be carried out in accordance with Australian Standard AS 2601—2001, *Demolition of structures*.

Condition 6

136H Condition relating to shoring and adequacy of adjoining property

- (1) A complying development certificate for development must be issued subject to a condition that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Schedule 7 Conditions applying to complying development certificates under Housing Alterations Code and General Development Code

Note 1. Complying development under the Housing Alterations 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 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.
- (3) 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*.

2 Garbage receptacle

- (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

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.

3 Hours for construction

Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.

4 Compliance with plans

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

5 Demolition

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

6 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) At the completion of the works, the work site must be left clear of waste and debris.