

SOUTH SYDNEY DEVELOPMENT CONTROL PLAN 1999 – EXEMPT AND COMPLYING DEVELOPMENT

PART A: INTRODUCTION

Title

This plan is titled *South Sydney Development Control Plan 1999 – Exempt and Complying Development*.

This Development Control Plan (DCP) has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979. It was adopted by Council on 23 February, 2000 and came into force on 1 August 2000.

The DCP contains Councils development standards and requirements for Exempt and Complying Development.

Land to which this Plan Applies

This DCP applies to all land within the City of South Sydney including all land shown as deferred under LEP 1998, but excluding land covered by Sydney Regional Environmental Plan No.26 – Eveleigh Precinct and State Environmental Planning Policy No. 47 – Moore Park Showground.

Aims and Objectives of this Plan

The purpose of this Plan is to establish the criteria for exempt and complying development under the Environmental Planning & Assessment Act 1979. This plan is to be read in conjunction with South Sydney Local Environmental Plan 1998 (Amendment No.5) – Exempt and Complying Development.

The aims of the this Plan are:

- (i) to provide definitions for exempt and complying development
- (ii) to provide standards for exempt and complying development
- (iii) to provide standard conditions of consent for various development types
- (iv) to provide private certifiers with an appropriate framework of procedures and standards to improve the efficiency and flexibility of the development control process.

Structure of this Plan

The Plan is divided into four Parts:

PART A – INTRODUCTION
PART B - EXEMPT DEVELOPMENT
PART C - COMPLYING DEVELOPMENT
PART D - CONDITIONS OF CONSENT

PART B: EXEMPT DEVELOPMENT

Exempt development is development that may be carried out without the need for development consent. Exempt development relates to minor works, which have minimal environmental impact and satisfy the requirements specified in Schedule 1 of this DCP.

Development listed in Schedule 1 to this plan **IS** exempt development only if:

- (a) It is local development that may only be carried out with development consent on land within a zone specified in South Sydney LEP 1998; and
- (b) It does not cause interference with the amenity of the neighbourhood because of the emission of ash, dust, waste water, waste products, grit or oil or otherwise; and
- (c) It complies with the development standards set for the development specified in Schedule 1 of this plan; and
- (d) It does not contravene any condition of a development consent applying to the land; and
- (e) It does not require the removal or lopping of any tree(s) covered by South Sydney Councils' Tree Preservation Order (except where the prior approval of Council is obtained for removal or lopping); and
- (f) It complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (g) It does not obstruct drainage of the site on which it is carried out; and
- (h) It does not restrict any vehicular, approved car parking or pedestrian access to or from the site; and
- (i) It is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation Limited applying to the land; and
- (j) Unless expressly permitted forward of the front building line, all other exempt development must be carried out behind the building line, where it is carried out in a heritage conservation area or within a heritage streetscape; and
- (k) It does not involve work or building of any kind that would lead to a change in classification as defined under the Building Code of Australia.
- (l) Any work that is undertaken as exempt development is only carried out between 7.00am and 5.00pm Mondays to Fridays inclusive and 7.00am and 3.00pm Saturdays. No work shall be carried out on Sundays or public holidays.

Development **IS NOT** exempt development if it is carried out on land that:

- (a) Is in an area identified in any environmental planning instrument or development control plan applying to the land as being bushfire prone, flood liable, contaminated, subject to subsidence, slip, erosion or acid sulphate soil; or
- (b) Is a heritage item identified in an environmental planning instrument or to which an order under the Heritage Act applies; or
- (c) Is identified as an Aboriginal place or known Aboriginal relic, or is dedicated or reserved under the National Parks and Wildlife Act 1974; or
- (d) Is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes; or
- (e) Is land to which State Environmental Planning Policy No 14 – Coastal Wetlands applies; or
- (f) Is an aquatic reserve declared under the Fisheries Management Act 1994; or
- (g) Is declared a marine park under the Marine Parks Act 1997.

Notes:

1) Section 76 (3) of the *Environmental Planning & Assessment Act 1979* stipulates that exempt development can not be carried out on land that is:

- (a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*) or
- (b) within a wilderness area (within the meaning of the *Wilderness Act 1987*)

2) Clause 5 of *State Environmental Planning Policy No 10 – Retention of Low-Cost Rental Accommodation* stipulates that development to which that policy applies cannot be exempt development.

3) Development described under Schedule 1 may not under any circumstances be undertaken upon land identified in an environmental planning instrument as a heritage item or subject to an order under the *Heritage Act*. The permissibility of undertaking development on land identified in an environmental planning instrument as being within a Heritage Conservation Area and/or Heritage Streetscape Area varies in accordance with Schedule 1.

SCHEDULE 1 – EXEMPT DEVELOPMENT

Access ramps for people with disabilities

- Has a maximum height from natural ground level to floor level which it serves of 1 metre, and
- Has a maximum grade of 1:14, and
- Fully complies with AS 1428.1- Access for People with Disabilities;
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson.
- Is not identified in an environmental planning instrument as being within a heritage conservation area or within a heritage streetscape.

Aerials / antennae / microwave antennae (does not include Satellite Dishes)

- Is only for domestic residential purposes, and
- Has a maximum height of 2 metres above roof ridge height, and
- Is attached to the building, and
- There is a maximum of one per building, and
- Does not encroach over property boundaries, and
- Is not visible from the primary street frontage in heritage conservation areas or within a heritage streetscape .

Air conditioning units for dwellings (attached to external wall or ground mounted)

- Is located a minimum of 2 metres from any property boundary, and
- Is located at ground floor level and behind the front building alignment, and
- The building work does not reduce the structural integrity of the building, and
- There is a maximum of one per dwelling, and
- Any opening created is adequately waterproofed, and
- Noise levels not to exceed 5dBA above ambient background noise levels measured at the property boundary, and
- Is not visible from the primary or secondary street frontage in heritage conservation areas.
- The unit is installed in accordance with manufacturer's specifications.

Advertising structures and displays

Commercial Signs (within Zone No 2 (a), 2 (b), 3, 4, 5, 6 (b), 9 (a), 10, 10(a), 10(b), 10(c) and 10(d))

- May be erected on the front façade of a building, and
- Where the sign is to be located on land within a residential zone (2(a) or 2(b)), the sign is no more than 0.5m² in area, and
- Where the sign is to be located on land within a zone other than a residential zone, the sign is no more than 1m² in area, and
- Where the sign is to be located on land within a residential zone, there will be no more than one commercial sign per lawful tenancy.

Under Awning Signs (within Zone No 2 (b), 3, 4, 5, 6 (b), 9 (a), 10, 10(a), 10(b), 10(c) and 10(d))

- The sign is to be attached to, and will hang below, an awning, and
- Notwithstanding any other part of this DCP, the sign may be erected forward of the front building alignment, and
- The sign does not exceed 2.5m in length, 0.5m in depth, and:
 - 0.4m in width (if the sign is to be illuminated), or
 - 0.08m in width (if the sign is not to be illuminated), and
- The sign is to be erected approximately in a horizontal position and at no point less than 2.6m from the ground, and
- The sign is to be erected at right angles to the building to which the awning is attached, and
- The sign is to be securely fixed to the awning by means of structurally adequate metal supports not exceeding 0.05m in width or diameter, and
- The sign is not to project beyond the edge of the awning, unless the sign will be wholly within the boundaries of the allotment occupied by the building and in no case come within 0.6m of the kerb line, and
- The sign is to have its centre at least 3.0 metres from the centre of any other under awning sign.

Non-structural Advertisements (within Zone No 2 (b), 3, 4, 5, 6 (b), 9 (a), 10, 10(a), 10(b), 10(c) and 10(d))

- The advertisement is not to be illuminated, and
- The advertisement is not to be within a heritage conservation area or within a heritage streetscape, and
- The advertisement is not to be used for the purpose of exhibition of goods or services, or for any other matter not related to the site where it is to be located, and
- The advertisement does not involve the erection of a building or the carrying out of a work, and
- Notwithstanding any other part of this DCP, the sign may be erected forward of the front building alignment, and
- The advertisement will not exceed 20 square metres, or 10 per cent of the area of the surface on which it is to be located, whichever is the lesser.

Notes:

◇ *Non-structural advertisements may include, but are not limited to:*

- *The advertisement is behind the glass line of a shop window.*
- *Temporary advertisement for a social, cultural or recreational event that is displayed no more than 28 days before the event and is removed within 14 days after the event.*
- *A public notice displayed by a public authority giving information about a service.*
- *A real estate sign advertising that the premises on which it is displayed are for sale or lease, and the advertisement and any structure together have a maximum area of 2.5 square metres.*
- *Does not include inflatable objects used for the purpose of advertising*

Awnings, canopies, storm blinds and other weather protection devices

- Has a maximum area of 10m² if located at ground floor level and maximum of 3m² if located above the ground floor level, and
- Is attached to residential dwelling houses, and
- Is located over existing door and/or window openings, and
- Is located behind the front building alignment and not less than 900mm from any property boundary, and
- Must not interfere with adjoining properties ability to comply with the minimum solar access requirements in Development Control Plan 1997, and
- Is not located within a heritage conservation area or heritage streetscape identified in a Local Environmental Plan, and
- Must not to be located within a foreshore building line and the mean high water mark of Port Jackson, and
- If the awning is less than 900 mm from the boundary, it must be non-combustible
- Must be structurally adequate.

Barbecues

- Maximum footprint area of 2m², and
- Located behind the front building alignment, and
- Must be for domestic use only, and
- Must not be located adjacent to or within 6m of a window or other ventilation opening on premises or adjacent buildings, and
- Must not have a cooking area more than 1m², and
- Must not be more than 900mm above ground level, and
- Must not to be located within a foreshore building line and the mean high water mark of Port Jackson.

Bird aviaries

- Must be for domestic purposes only, and
- Must not be for the keeping of poultry, and
- Must not exceed 5m² in area, and
- Must not exceed 2.4m in height, and
- Must not reduce the landscaped open space to less than 45m² or increase site coverage beyond 66%, and
- Must be structurally adequate, and
- Is located behind the front building alignment, and
- Must not be more than one aviary per allotment
- Must not be located within 900mm of any property boundary and within 6m of a window or other ventilation opening on adjacent premises, and
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson

Bridges and Staircases Installed in Public Parks and Recreation Spaces

- The structure must be for Council or a Government department or agency with responsibility for providing recreational facilities or spaces, and
- Bridges are to have a maximum span of 5 metres, and
- The structure is to be designed, fabricated and installed in accordance with the BCA (Section B) and AS4100 (for steel structures) and AS1720 (for timber structures) and AS3600 for concrete structures.

Cabanas / Gazebos and Green Houses

- Must not be located in a heritage conservation area or heritage streetscape, and
- Only applies to land used primarily for residential purposes, and
- Is limited to one per allotment, and
- Must not exceed 5m² in area, and
- Must not exceed a maximum height of 2.4m, and
- Must not reduce the landscaped open space to less than 45m² or increase site coverage beyond 66%, and
- Is located behind the front building alignment, and not less than 900mm from any property boundary, and
- Is not to be used for habitable purposes, and
- Any roof areas are to be connected to existing stormwater system, and
- Must not be more than one per allotment
- Must be structurally adequate, and ,
- Must have non reflective surface finishes, and
- Must not to be located within a foreshore building line and the mean high water mark of Port Jackson.

Clothes Hoists/Lines

- Must not exceed a maximum extended height of 3 metres, and
- Must be installed to the manufacturer's specifications, and
- Is located behind the front building alignment, and
- Is limited to one per allotment for dwelling houses or the replacement of one or more hoists or lines within an approved clothes drying area for residential flat buildings, and
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson

Demolition

- May only be carried out where an Order to demolish has been served by Council under Section 124 of the Local Government Act 1993 or Section 121B of the Environmental Planning & Assessment Act, or
- May only be carried out where the structure to be demolished is exempt development under provisions of this plan (whether erected before or after this Plan took effect), and
- Where one of the above is satisfied, demolition must be carried out in accordance with Australian Standard AS 2601 –1991 Demolition Code, and
- Any works involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos in Buildings" and any requirements of the Environmental Protection Authority (EPA).
- Any work involving lead paint must not be carried out so as to cause lead contamination of the air or ground.
- Work must be carried out in accordance with all other Workcover requirements

Notes:

- ◇ *Proponents must contact Council's Public Works and Services Department prior to commencement of work regarding payment of Building Damage Deposit and the provision of hoardings.*
- ◇ *As for all other exempt development, demolition work is only carried out between 7.00am and 5.00pm Mondays to Fridays inclusive and 7.00am and 3.00pm Saturdays. No work shall be carried out on Sundays or public holidays.*

Erection of fences

- May include side boundary fences between the front building line and the rear boundary with a maximum height 1.8m and constructed of timber, metal or other lightweight materials, and
- All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage / run off, and
- Does not include fences covered by the Swimming Pools Act 1992, and
- Excludes the erection of any front fencing on land zoned or used for industrial purposes or the replacement of any spear point fence.
- With the exception of sites within heritage conservation areas or within heritage streetscapes, may include:
 - front and side boundary fences between the front building line & street or any other public place with a maximum height 1.2m and constructed of timber, metal or other lightweight materials, and
 - masonry or brick fences with a maximum height of 600mm provided the bricks match the building or are rendered to match, and

Notes:

- ◇ *You are advised to talk to your neighbour at any early stage and consult the Dividing Fences Act.*
- ◇ *Masonry or brick fences over 600mm always require Council approval*
- ◇ *Corrugated iron sheeting may under no circumstances be used as a fencing material*

Flagpoles

- Notwithstanding any other part of this DCP, the flag pole may be erected forward of the front building alignment, and
- The flag area does not exceed 2m², and
- The flag pole is less than 6m in height above ground level, and
- The pole is structurally adequate and is perpendicular to the ground, and
- The pole is installed to the manufacturer's specifications, and
- The pole must not project beyond the property boundaries, and
- There is to be no more than one per site, and
- The flag must not be used for advertising purposes, and
- Noise levels (potentially may result from the flapping of flagpole ropes) will not exceed 5dBA above ambient background noise level measured at the nearest residential property boundary, and
- The pole must not to be located within a foreshore building line and the mean high water mark of Port Jackson.

Garden Sheds

- The shed is not larger than 5m² in area, and
- The shed is not higher than 2.4m, and
- Is located behind the front building alignment of land occupied by a dwelling house, and
- The shed must not reduce the landscaped open space to less than 45m² or increase site coverage beyond 66%, and
- The shed is installed to manufacturer's specifications (if applicable), and
- The shed is not used in association with commercial premises or involve the storage of dangerous or hazardous goods, and
- There is to be no more than one shed per allotment, and
- The shed is not to be located within a foreshore building line and the mean high water mark of Port Jackson.

Goal posts, sight screens & similar ancillary sporting structures on playing fields

- For use in the playing / performance of sporting events, and
- Excludes grandstands, dressing sheds or other similar buildings involving the erection of gross floor area, and
- Is constructed by or for Council or other Government agency or Trust, and
- Is installed in accordance with relevant Australian standards and/or Building Code of Australia, and
- Is located in public parks, playgrounds or educational institutions, and
- Are structurally adequate.

Home business

- Is a business carried on in a building, which is or contains a dwelling house or another dwelling, or is within the site area of a dwelling house or another dwelling, by the permanent residents of the dwelling house or other dwelling, and
- Does not involve the registration of the building, dwelling house or other dwelling under the *Factories, Shops and Industries Act 1962*, and
- Does not involve the employment of persons other than those residents (either on the site or having a base at the site), and
- Does not interfere with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and
- Does not interfere with the amenity of the neighbourhood due to:
 - the generation of excessive vehicular traffic, or
 - the attraction of an excessive number of customers or clients, or
 - the reduction of car parking in the vicinity of the site, and
- Does not involve the display of goods, whether in a window or otherwise, and
- Does not involve the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling house or other dwelling to indicate the name of the residents not exceeding 0.5m²), and
- Does not involve the sale of goods by retail from the site, and
- May include a home occupation brothel use but with no more than one resident sex worker, and
- The working room or area must not occupy more than 10% of the floor area of that part of the storey containing the dwelling, and
- The home business must comply with the Building Code of Australia classification for the particular class of building. Where the home business changes the classification of the building, a DA is required.

Letter boxes

- Must either be free standing or in banks, and
- May not exceed a maximum height of 1.2m above ground level, and
- Notwithstanding any other part of this DCP, the letter box may be erected forward of the front building alignment, and
- In the case of single dwelling houses, the letter box may be located at the front boundary, and
- In the case of residential flat buildings, there is to be a maximum of one for each tenancy and one for the body corporate, and
- There is to be appropriate and clearly visible numbering for each letter box visible from the street alignment, and
- Is structurally stable with adequate footings, and
- Must be designed in accordance with the requirements of Australia Post.

Minor building works and internal alterations to dwelling houses and residential flat buildings

- This applies only to the replacement of doors, wall, ceiling or floor linings, deteriorated frame members with equivalent or improved quality materials, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities cupboards and wardrobes, and
- This applies only to alterations or renovations of previously completed buildings, and
- Under no circumstances includes changes to the configuration of rooms whether by removal of internal or external existing walls, partitions or by other means, and
- The work does not cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas, and
- Includes the restoration of a building as closely as possible to its original appearance, but only if there is sufficient physical or documentary evidence of these original features, and
- Includes general maintenance or restoration of existing features, or replacement of existing features with features of the same kind,
- Does not apply to buildings which are the subject of SEPP 10.

Notes:

- ◇ *No demolition of internal or external walls is permitted. In addition, the alteration must not affect the structural strength and stability of the building. Examples of minor alterations include - new door, bathroom renovations, kitchen renovations etc.*
- ◇ *You are advised to consult a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the Building Code of Australia and will not affect the structural integrity of the building.*
- ◇ *You are advised to obtain the written consent of the body corporate (or the entity which owns the building) for work within a residential flat building.*

Minor subdivision (including boundary adjustments)

- Includes widening a public road, or
- Making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of any additional lot and does not result in more than a 10% variation in the size of the lots, or
- Rectifying an encroachment of less than 0.5m by a building upon an adjoining allotment, or
- Creating a public reserve, or
- Consolidating allotments, or
- Excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, fire brigade or other rescue service purposes or public conveniences,

And

- Will not result in any building contravening the deemed-to-satisfy provisions of the Building Code of Australia or exceeding the applicable floor space ratio specified for the site in South Sydney Development Control Plan 1997 or any applicable environmental planning instrument, and
- In the instance of making an adjustment to a boundary between two allotments containing dwelling houses (referred to above), will not result in the further reduction in the size of an allotment where the total site coverage exceeds 66%, and / or the landscaped area of the site is reduced to less than 45m²,
- In all cases, includes the notification of Council upon the registration of the minor subdivision, including the provision of all relevant survey plans.

Park and Street Furniture – seats, bins, picnic tables, minor shelters

- Does not include, advertising panels, toilets or kiosks, bus shelters in heritage conservation areas or located adjacent to a heritage item, and
- Construction is by or for Council and designed, fabricated and installed in accordance with relevant Australian standards and/or Building Code of Australia, and
- Is located on land under control of Council or a Government department, agency or trust.

Patios

- Must be in association with a dwelling house, and
- Must be at ground floor level and have a floor level not exceeding 300mm at any point above existing ground level immediately below that point, and
- Must not exceed an area of 10m², and
- Must not be roofed, and
- Is located behind the front building alignment within a heritage conservation area or heritage streetscape, and
- Stormwater must not be redirected onto any adjoining property, and
- Must be designed so as to prevent the entry of water into the dwelling, and
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson.

Pergola

- Must be in association with a dwelling house, and
- Must be open sided and unroofed (including shade cloth, polycarbonate or the like), and
- Must be at ground floor level, and
- Is located behind the front building alignment, and
- Must **not exceed a maximum area of 10m², and**
- Must not exceed a maximum height of 2.4m, and
- Must maintain a minimum setback of 900mm from a boundary, and
- Must be structurally adequate (installed in accordance with AS1684), and
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson

Notes:

- ◇ *Roofed or enclosed pergolas require development consent.*

Playground Equipment (excluding cubby houses)

Residential Use

- Maximum height of 2.1m, and
- Maximum total ground coverage of 5m², and
- Is located behind the front building alignment.

Non Residential Use

- Maximum height of 3m, and
- Maximum ground coverage of 10m², and
- Adequate safety to be provided.

On Community Land (as defined under the Local Government Act 1993)

- Must be constructed for or by Councils, Government departments, agencies or trusts and be designed, fabricated and installed in accordance with AS1924, 2155 and DR94007-DR94010

All Equipment

- Must be installed in accordance with manufacturers instructions and comply with relevant Australian standards

Notes:

- ◇ *Does not apply to commercial playground equipment (eg. recreation facilities & centres, child-care centres etc.)*

Portable Classrooms and other portable school buildings

- Must be structurally adequate, and
- Must not exceed one storey or have a floor level any greater than 1000mm above ground level below the building, and
- Installation accords with a suitably qualified engineer's design, and
- Must comply with all relevant sections of the BCA, and
- May only be located in school grounds, not contravene any other consent applying to the land, not restrict or sited on existing car parking, and
- Stormwater is to be connected to an adequate stormwater system,
- The use of such buildings may only be for up to five years.

Re-Cladding of Roofs or Walls or repair/maintenance of damaged materials

- Excludes buildings within a conservation area or heritage streetscape identified in a Local Environmental Plan, and
- Must only involve replacing existing materials with similar materials which are compatible with the existing building and finish, and
- The materials selected must match or be compatible with the existing materials, and
- Re-cladding must not involve structural alterations or change to the external configuration of a building, and
- Must comply with requirements of the WorkCover Authority which has advised that care should be taken in work involving the removal of lead paint to avoid lead contamination, the Authority's "Guidelines for Practices Involving Asbestos Cement" should be referred to for any work involving asbestos cement.

Retaining Walls

- Must not exceed a maximum height 600mm, and
- Masonry walls must comply with:
 - I. AS3700 - Masonry Code
 - II. AS3600 - Concrete Structures
 - III. AS1170 - Loading Code, and
- Timber walls must comply with:
 - I. AS1720 - Timber Structures
 - II. AS1170 - Loading Code, and
- All retaining walls are to be constructed so that they either do not affect, or adequately cater for, the flow of stormwater drainage and run off, and
- Not located within a foreshore building line and the mean high water mark of Port Jackson.

Satellite Dishes

On Residential Premises

- Excludes buildings within a conservation area identified in a Local Environmental Plan

Ground Mounted

- Must not exceed a maximum height of 1800mm from ground level, and
- Must not exceed a maximum diameter 1000mm, and
- Must not be more than one per building, and
- Located so as not to be visible from any public place, and
- Must be a minimum of 900mm from a property boundary, and
- Not located within a foreshore building line and the mean high water mark of Port Jackson.

Roof Mounted

- Must not exceed a maximum diameter 600mm, and
- Must be suitably coloured to blend in with the building/roof colour, and
- Must be structurally adequate, and
- Must not be more than one per building, and
- Must only be located on rear section of roof and not visible from the primary street frontage or any side street.

On Commercial Premises

- Excludes buildings within a conservation area identified in a Local Environmental Plan

Ground Mounted

- Must not exceed a maximum height of 1800mm, and
- Must be situated a minimum of 900mm from the boundary if the adjoining property is residential or a public place, and
- Must not be more than one per property.

Roof Mounted

- Must not exceed a maximum diameter of 1500mm,
- Must be located wholly on the property, and
- Must not be more than one per building.

Solar Water Heaters

- Must not be located on front or side roof planes, and
- Must not be located directly opposite windows of adjoining buildings, and
- Must be installed to manufacturer's specifications and requirements, and
- Must be installed by a licensed trades person, and
- Any associated building work must not reduce the structural integrity of the building or involve structural alterations, and
- Any openings created by an installation must be adequately weatherproofed, and
- Installations must be flush with a roof alignment and in colours matching the roof/supporting structure.

Skylight Roof Windows (*including solar tube or similar installations*)

- Excludes buildings within a conservation area or heritage streetscape identified in a Local Environmental Plan, and
- The maximum area of each skylight must not exceed 1m², and
- There must not be more than one installation per 25m² of roof area, and
- The skylight must not be installed in the front elevation of the building, and
- Installations must be flush with the roof pitch, and
- Installations within Buildings classified as Class 1 under the Building Code of Australia must be located not less than 900mm from a property boundary and not less than 900mm from a wall separating attached dwellings, and
- Installations within Buildings classified under Classes 2-9 under the Building Code of Australia must be located not less than 3 metres from a property boundary and not less than 3 metres from other skylights, and
- The building work must not reduce the structural integrity of the building or involve structural alterations, and
- Any opening created by the installation must be adequately weatherproofed, and
- Installation must be in accordance with the manufacturer's instructions, and
- Must comply with any relevant requirements of the Building Code of Australia.

Notes:

- ◇ *A skylight alone cannot be accepted as providing habitable ventilation*

Street signs (*comprising nameplates, directional signs and advance traffic warning signs*)

- Construction by or on behalf of Council, Government departments, agencies or trusts, and
- Must be structurally adequate, and
- Must be designed, fabricated and installed in accordance with relevant Australian Standards, and
- Notwithstanding any other part of this DCP, the sign may be erected forward of any front building alignment, and
- Does not apply to streets sign which incorporate advertising material (illuminated or not).

Temporary buildings (*comprising builders sheds, site-office sheds, portable toilets and scaffolds*)

- Any temporary buildings (other than builders sheds, site-office sheds, portable toilets and scaffolds) not to be located in situ for more than 48 hours, and
- The proposed temporary buildings must relate to an approved use, activity or development on the site and must be removed immediately after completion of the activity or event, and
- Must be structurally adequate and comply with the requirements of the WorkCover Authority, and
- Must not be located within a foreshore building line and the mean high water mark of Port Jackson, and
- Must not be used for the storage or handling of dangerous or flammable materials, and
- Must not interfere with any areas approved for the purpose of parking or driveways.

Temporary demonstration units for new or altered developments

- Must be located on the site to which the consent for new or altered residential development relates, and
- Units must not be used for any longer than 12 months, and
- Must comply with the relevant sections of the BCA, and
- Must not be occupied for residential purposes.

Water Heaters (*excludes solar water systems*)

- Must not be located in a position visible from the main street frontage, and
- The work must not reduce the structural integrity of the building or involve structural alterations, and
- The installation is to be carried out by a licensed trades person, and
- The water heater is to be located at ground level or inside a building.

Water Tanks for dwellings

- The maximum overall height above ground level must not exceed 1.8m (including any stand), and
- Maximum storage capacity of 3000 litres, and
- Must not be located in a position visible from the main street frontage, and
- All tanks/tank stands installations to be structurally adequate, and
- Does not apply to below ground installations or that requires excavation, and
- Not located within a foreshore building line and the mean high water mark of Port Jackson, and
- Does not apply to below ground installations or those that require excavation.

PART C: COMPLYING DEVELOPMENT

Complying development may be carried out if a Complying Development Certificate is obtained. The certificate may be obtained from either the Council or an accredited private certifier.

The development specified in column 1 of Schedule 2 to this plan **IS** Complying Development only if:

- (a) It is local development of a kind that can be carried out with consent on the land which it is proposed, and
- (b) It is not an existing use, as defined in section 106 of the Act
- (c) It complies with the development standards specified in Schedule 2 to this plan; and
- (d) It complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development; and
- (e) It is located behind the front building alignment of any building on the site on which it is proposed to be carried out, if that site is located in a heritage conservation area or heritage streetscape identified in any environmental planning instrument; and
- (f) A certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation Limited; and
- (g) It does not contravene any condition of a development consent applying to the land; and
- (h) It complies with any development standards set for the development in any environmental planning instrument; and
- (i) No environmental planning instrument states that the adequacy of an acid sulphate soils management plan for the proposed development must be considered before consent can be granted for it; and
- (j) It does not involve work or building of any kind that would lead to a change of classification under the Building Code of Australia.
- (k) The building works do not require the removal or lopping of any tree(s) covered by South Sydney Councils Tree Preservation Order (except where the prior approval of Council is obtained for removal or lopping).

Development **IS NOT** Complying Development if it is carried out on land that:

- (a) Is identified in any environmental planning instrument or development control plan applying to the land as bushfire prone, flood liable, contaminated, subject to subsidence, slip or erosion; or
- (b) Has previously been used as a service station or a sheep or cattle dip, for intensive agriculture, mining or extractive industry, waste storage or waste treatment, or for the manufacture of chemicals, asbestos or asbestos products, and a notice of completion of remediation work for the proposed use has not been given to Council in accordance with State Environmental Planning Policy No.55 – Remediation of Land, or
- (c) Is identified as an Aboriginal place or known Aboriginal relic, or is dedicated or reserved under the National Parks and Wildlife Act, 1974; or
- (d) Is within an environment protection zone or is reserved for acquisition by a public authority as identified in an environmental planning instrument, or
- (e) Is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna or geological formations or for other environmental protection purposes, or
- (f) Is land to which State Environmental Planning Policy No 14 – Coastal Wetlands applies, or
- (g) Is an aquatic reserve declared under the Fisheries Management Act 1994, or
- (h) Is declared a marine park under the Marine Parks Act 1997, or
- (i) Is State protected land within the meaning of the Native Vegetation Conservation Act 1997, or
- (j) Is unsewered land within a special area or hydrological catchment within the meaning of State Environmental Planning Policy No 58 – Protecting Sydney’s Water Supply.

Notes:

1) Section 76 (3) of the *Environmental Planning & Assessment Act 1979* stipulates that complying development can not be carried out on land that is:

- a) critical habitat (within the meaning of the *Threatened Species Conservation Act 1995*) or
- b) within a wilderness area (within the meaning of the *Wilderness Act 1987*) or
- c) that comprises, or on which there is, an item of environmental heritage to which an order under the *Heritage Act 1977* applies or that is identified as such an item in an environmental planning instrument, or
- d) that is identified as an environmentally sensitive area in the environmental planning instrument providing for the complying development

2) Clause 5 of *State Environmental Planning Policy No 10 – Retention of Low-Cost Rental Accommodation* stipulates that development to which that policy applies cannot be complying development.

Procedures

If submitted to Council, the following details are required to be submitted with Complying Development Certificate applications:

- A completed application form signed by the owner(s), and
- 3 sets of professionally drawn plans and specifications, and
- Engineering drawings (structural, hydraulic, mechanical) if applicable, and
- A written schedule demonstrating how the proposal complies with the complying development criteria specified in Schedule 2.

The Environmental Planning & Assessment Act requires Council or a private certifier to process Complying Development Certificates within 7 days from the date of submission, provided the plans and specifications satisfy all of the relevant complying development criteria specified in Schedule 2 and the prescribed conditions of consent specified in Part D of this DCP. This will include evidence of compliance with the Building Code of Australia and the payment of required fees such as the Builders Long Service Levy and Councils Building Damage Deposit. The relevant conditions (including all the General Conditions in addition to those applying to that type of complying development) must be attached to the Certificate and issued and printed in their entirety as they appear in Part D of this Plan.

In addition to the Complying Development Certificate, there may be a need to obtain other approvals or licenses from other statutory authorities such as Sydney Water, telecommunication providers or Integral Energy.

Notification to adjoining and surrounding owners and occupiers will **not** be carried out prior to the issuing of the Complying Development Certificate (either by Council or an accredited certifier).

The Environmental Planning & Assessment Act requires Council to maintain a register of all Complying Development Certificates which are approved or refused. To cover Council's cost of maintaining this register, a registration fee is charged for all certificates lodged by an Accredited Certifier. Council will not charge an additional registration fee for applications lodged with Council. The Complying Development Certificate must be issued in the name of Council or an accredited certifier with an accreditation number.

Two days before any site works, building or demolition begins, the applicant must;

- Forward Form 7 of the Regulation to Council (notice of Commencement of work and appointment of Principle Certifying Authority); and
- Notify the adjoining owners that work will commence; and
- Advise Council in writing, the name, address, phone number and licence number of the builder; and
- Register the Complying Development Certificate with Council; and
- Erect a sign at the front of the property with the builder's name, licence number, site address and consent number; and
- Obtain any other necessary approval from public authorities or agencies.

Notes:

1) The current Council charge (as of 1 August 2000) for the processing of a Complying Development Certificate is \$110.00 inclusive of GST.

2) Councils offers a service for the preparation of the written compliance schedule (which may also be obtained from a suitably qualified private certifier) to accompany an application for a Complying Development Certificate. Enquiries may be directed to the Certificates Unit Manager, Planning and Building Department. The current Council charge (as of 1 August 2000) for this service is \$104.50 per hour inclusive of G.S.T.

SCHEDULE 2 – COMPLYING DEVELOPMENT

Attic Conversions to Single Terrace Dwelling Houses: Development Standards

1. The proposal meets all specifications of **What is Complying Development** and does not conflict with the provisions for **What is Not Complying Development** in this Plan.
2. Does not apply to land identified in any environmental planning instrument as being within a Heritage Conservation Area, Heritage Streetscape or as an Item of Environmental Heritage.
3. Only applicable to single terrace dwelling houses.
4. Alterations to the front roof plane shall only be in the form of a dormer.
5. The front dormer ridge must be no less than 200 mm below the ridge line of the main roof in order to leave the main ridge line intact.
6. Front attic dormers (restricted to one per terrace) must be vertically to horizontally proportioned at a ratio of 1.5:1 respectively as measured from the head to the sill of the window frame and be constructed of materials matching the existing dwelling.
7. The main ridgeline must be retained.
8. Any addition to the rear roof plane shall be setback as follows:
 - No less than 500 mm from the inner edge of the sidewalls / party walls or the side boundary.
 - No less than 200 mm below the main ridge line.
 - No less than 200 mm from the rear wall of the terrace so as not to create an extended vertical wall
9. Any rear dormer must allow for the party walls or end walls to be clearly expressed, that is, extended past the main ridgeline where such a wall exists.
10. Dormer windows are to be timber framed.
11. Attic conversion does not result in the building as a whole exceeding the maximum Floor Space Ratio (excluding any bonus FSR allowable) prescribed in DCP 1997.
12. Skylights are not to be installed in the front elevation.
13. Any rear skillion roof must slope towards the rear of the property.
14. Where a habitable room is proposed, at least 6 square metres of the floor area must have a minimum head clearance of 2.2m, and
15. Dormer windows do not incorporate balconies, decks, french doors, juliet balconies or other similar structures.
16. All walls of a converted attic must be fire rated in accordance with the Building Code of Australia. Fire rated walls are required on common walls if none are existing.

Alterations & Additions to the Rear of Dwelling Houses: Development Standards

1. The proposal meets all specifications of **What IS Complying Development** and does not conflict with the provisions for **What IS NOT Complying Development** in this Plan, and
2. Does not apply to land identified in any environmental planning instrument as being an Item of Environmental Heritage, and
3. Applies only to land behind the front building alignment of single dwelling houses, and
4. Where additions are proposed, those additions are rear additions and:
 - are located at ground floor level only (first floor extensions always require development consent), either matching the ground floor level of the existing dwelling or having a floor level a maximum of 500mm above any point of the existing ground level below the addition, and
 - are set back a minimum of 900mm from any side boundary, and
 - do not exceed 12m² in area, and
 - do not result in the dwelling exceeding the allowable floor space ratio specified in the development control plan applying to the site, and
 - do not result in the total site coverage exceeding 66%, and
 - have a maximum wall height of 3.5 metres, and
 - have a maximum overall height of 4 metres, and
 - do not result in the loss of existing car parking, and
 - do not reduce the landscaped area to less than 45m², and
 - solar access is maintained to the principle living area windows of adjacent properties for a minimum period of two hours between 9am and 3pm at the winter solstice (21 June) or create any additional overshadowing to those windows where solar access is less than two hours between 9am and 3pm on the winter solstice (these controls do not apply however to windows on a side boundary or only separated from a side boundary by a passageway)
5. External finishes (including roofing) to the addition are required to either match the existing external finishes or be compatible in colour and texture with the existing external finishes, and
6. Suitable smoke alarm systems shall be provided in accordance with the requirements of Part 3.7.2 of the BCA, and
7. All new and existing habitable rooms are provided with natural light and ventilation in accordance with the requirements of Part 3.8 of the BCA, and
8. Structural internal alterations shall not result in the dwelling exceeding the allowable floor space ratio specified for the site in DCP 1997, and
9. Alterations and additions of windows and doors;
 - are located at ground level only, and
 - are a minimum of 900mm from a property boundary, and
 - not located on the façade facing the primary street frontage, and
 - do not include the addition or alteration of an opening with an area greater than 4m².

Use of a Dwelling as Bed and Breakfast Accommodation: Development Standards

1. The proposal meets all specifications of What is Complying Development and does not conflict with the provisions for What is Not Complying Development in this Plan, and
2. Does not apply to land identified in any environmental planning instrument as being an Item of Environmental Heritage.
3. Bed and breakfast accommodation may only be provided in an approved dwelling house that is permanently occupied by a resident or residents.
4. No more than two guest rooms and a maximum of four guests at any one time
5. There is at least one bathroom, and
6. A smoke detection system has been installed in the dwelling that complies with:
 - AS 3786-1993 Smoke Alarms, and
 - AS 3000- 1991 Electrical Installation for Buildings, Structures and Premises, and
7. Each guestroom is provided with natural light and ventilation in accordance with the BCA requirements, and
8. Key release dead locks are not to be installed on guest bedrooms and exit doors, and
9. No bars or other restrictions to egress from guest bedrooms, and
10. Guest rooms are insulated from all noise generating sources in accordance with the BCA requirements, and
11. A fire extinguisher and fire blanket are installed in the kitchen

Notes:

- ◇ *Bed and Breakfasts are limited under LEP 1998 to providing short term accommodation for not more than 6 persons, however those providing more than two guest rooms or accommodation for 4 persons are likely to require the provision of additional off-street car parking spaces. The issue of the provision of car parking in this instance is required to be assessed through the submission of a formal development application to Council*

Change of Use (Shops & Offices): Development Standards

1. The change of use of the shop or office to any of the following uses is **not** complying development: Restaurants, take away food shops & cafes, sex industry premises, restricted premises, acupuncturists, beauty therapists/salons, hairdressing salons, funeral parlours and tattooists.
2. The proposed use complies with the deemed to satisfy provisions of the Building Code of Australia, and
3. Does not apply to land identified in any environmental planning instrument as being an Item of Environmental Heritage.
4. The proposed use must be replacing a former or current lawful use with the same classification under the Building Code of Australia (excludes premises operating with existing use rights), and

5. The proposed use shall occupy the same area lawfully occupied by the previous use with no increase in floor area and no reduction in the number of car parking spaces on site or loading, or storage areas, and
6. The hours of operation are restricted to between 8.00 am to 6.30 pm Monday to Wednesday & Friday, 8.00 am to 9.00 pm Thursdays and 8.30 am to 4.00 pm Saturdays or as approved under the last lawful approval.

Notes:

- ◇ *“Change of Use (Shops & Offices)” means changing a shop to a shop or an office to an office, NOT an office to a shop or a shop to an office.*

Change of Use (Industrial & Warehouses / Distribution Centres): Development Standards

1. The building is located wholly within a building lawfully used, or lawfully constructed to be used, for the purpose of an industry, warehouse or distribution centre, and
2. The building (if vacant at the time the development is proposed to be carried out) has not been vacant for longer than 12 consecutive months, and
3. Excludes use of premises as potentially hazardous or offensive industry, food processing, panel beaters and mechanical repair stations, and
4. Complies with the deemed to satisfy provisions of the Building Code of Australia, and
5. Proposed use must be replacing a former or current lawful use with the same classification under the Building Code of Australia (Deleted: “excludes premises operating within existing use rights”), and
6. The proposed use shall occupy the same area lawfully occupied by the previous use with no increase in floor area and no reduction in the number of car parking spaces on site or loading storage areas, and
7. The premises must have existing loading and car parking facilities, and
8. Approved driveways and vehicle manouvering areas shall not be blocked by any subsequent use of the site, and
9. Subsequent uses of the site must not involve or attract vehicles that cannot leave the site in a forward direction, and be wholly contained within the confines of the building, and
10. Shipping containers may not be stored outside on the site, and
11. No retailing is to be carried out on the site, and
12. The proposed development will be carried out in compliance with any condition relating to landscaping and outdoor storage and the parking, maneuvering, loading and unloading of vehicles imposed by the most recent development consent granted in relation to the building, and
13. The difference between the development most recently carried out on the land and the proposed development will not result in a deficit of more than one car parking space (as defined in the Council's Development Control Plan No.11 – Transport Guidelines, a copy of which may be inspected free of charge at the office of the Council), and

14. The industry, warehouse or distribution centre will not constitute a *hazardous* or *offensive storage establishment* as defined in South Sydney LEP 1998, and

15. Hours of operation:

- (a) are restricted to between 7.00 am to 6.00 pm Monday to Friday inclusive and 8.00 am to 4.00 pm Saturdays or as approved under the last lawful approval, or
- (b) if the hours during which the building could be used, immediately before the carrying out of the development, were restricted by a condition of a development consent, other than during those hours, and

Erection or Replacement of a Rear Lane Garage or Carport: Development Standards

1. The proposal meets all specifications of What is Complying Development and does not conflict with the provisions for What is Not Complying Development in this Plan, and
2. Applies to sites containing single dwelling houses only, and
3. Does not apply to land identified in any environmental planning instrument as being within a Heritage Conservation Area or as an Item of Environmental Heritage.
4. Meets the specifications of what is and what is not Complying Development in this Plan, and
5. Must be located behind the front building alignment of the dwelling and must have an existing vehicular crossing, and
6. The area of the garage or carport does not exceed 20m² in area, and
7. Must be built within one metre of the rear boundary and achieve access from a rear lane which is no less than 5.5m wide, and
8. Must not reduce the total landscaped area to less than 45m² or increase the site coverage to exceed 66%, and
9. The total height of the structure is not to exceed 3 metres measured from existing ground level to the highest point on the proposal, and
10. Neither carports or garages may have a trafficable roof or roof deck, and
11. The maximum width of the structure is 3.5 metres, the maximum length is 6 metres, and
12. Solar access is maintained to the principle living area windows of adjacent properties for a minimum period of two hours between 9am and 3pm at the winter solstice (21 June) or create any additional overshadowing to those windows where solar access is less than two hours between 9am and 3pm on the winter solstice (these controls do not apply however to windows on a side boundary or only separated from a side boundary by a passageway)

Minor internal alterations to shops and commercial premises

- Does not apply to restaurants, cafes, take away food shops or licensed premises, and
- Only involves non structural fit-out work such as shelving, displays, benches, partitions, and the like, within lawfully commenced businesses, and
- Does not include the enlargement or reduction of existing door or window openings or the demolition of any internal or external walls, and
- The installation of any fire fighting equipment or egress requirements comply with the requirement of sections D and E of the BCA, and
- If partitions include glazing, the glazing shall be installed in accordance with the requirements of AS1288 (glass in buildings), and
- All materials used must comply with the requirements of C1.10 of the BCA, and
- Complies with all other requirements of the BCA.

Notes

- ◇ *The Work Cover Authority has advised that care should be taken in work involving the removal of lead paint to avoid lead contamination.*
- ◇ *The Authority's guidelines for practices involving asbestos cement should be referred to for any work involving asbestos cement.*

Swimming Pools and Spas: Development Standards

1. The proposal meets all specifications of What is Complying Development and does not conflict with the provisions for What is Not Complying Development in this Plan, and
2. Swimming pools must comply with the Swimming Pools Act, 1992 and Swimming Pools Regulation 1992.
3. Swimming pools and spas must be on land containing an existing single dwelling or residential flat buildings and must be for private domestic use only, and
4. Does not apply to land identified in any environmental planning instrument as being within a Heritage Conservation Area or as an Item of Environmental Heritage.
5. Swimming pools, spas and required pool fencing may only be located behind the front building alignment and not visible from any street alignment, and
6. Must not:
 - be built over an easement,
 - be in breach any covenant to which the Council is a party,
 - be located within a zone of influence of a public sewer main,
 - be located within a zone of influence of a public drainage pipe,
7. without the written approval of the relevant person or authority benefiting from the easement or covenant, and
8. The maximum height of pool coping and decking is restricted to 500mm above existing ground level, and
9. Pools and spas must be located a minimum of 1.5 metres from any property boundary, and
10. Filtration/pump systems must be located a minimum of 3 metres from any property boundary, and
11. Filtration/pump systems must not exceed a noise level of 5dBA above the ambient background noise level measured at the property boundary, and

12. Fencing must comply with AS 1926.2 - Swimming Pool Safety – Location of fencing for private swimming pools
13. The installation and construction of swimming pools must comply, where relevant with:
14. AS/NZS 1838:1994 – Swimming Pools – Premoulded fibre-reinforced plastics- Design and fabrication, and AS/NZS 1839:1994 Swimming Pools – Premoulded fibre-reinforced plastics- Installations: or
15. AS 2783-1992 – Use of reinforced concrete for small swimming pools, and
16. The areas surrounding the pool/spa structure shall be graded to divert surface water to a surface water collection point and clear of the proposed structures and adjoining premises, and
17. All pool/spa waste water shall be disposed of via an approved sewerage system, and
18. Swimming pools & spas must comply with the Swimming Pool Act, 1992 and associated Regulations
19. The building works do not require the removal or lopping of any tree(s) covered by South Sydney Councils Tree Preservation Order (except where the prior approval of Council is obtained for removal or lopping).

Temporary Buildings: Development Standards

1. Does not apply to land identified in any environmental planning instrument as being within a Heritage Conservation Area, Heritage Streetscape or as an Item of Environmental Heritage.
2. The building is not to be used for a period exceeding 12 months, and
3. Does not include Marquees, tents, stages or portable classrooms, and
4. The building is located a minimum of 1m clear of any stormwater or sewer easements and mains, and
5. The building is not to be used for residential purposes or for the storage or handling of inflammable materials, and
6. The building must be demolished or removed no later than 60 days after the specified period expires, and
7. The maximum height of the building is 1 storey and is located no more than 1 metre above ground level, and
8. The building is set back from every boundary of the site by a minimum of 3 metres.
9. May not be located on a site containing only a dwelling house, and
10. May not exceed 20m² in area, and
11. May not be located within a vehicle parking or maneuvering space or within a landscaped area.

PART D: CONDITIONS OF CONSENT FOR COMPLYING DEVELOPMENT

GENERAL CONDITIONS

These conditions are to be included on all complying development certificates. They are imposed to ensure that the development is carried out in accordance with the complying development certificate, having regard to the environmental circumstances of each site.

1. If required, it will be necessary to lodge with Council a fee in the form of Cash or non expiry Bank Guarantee being the building damage deposit for the public way. This deposit will be returned upon the satisfactory completion of the work approved under this application and the submission of all relevant certificates provided that there is no damage to the public way. A written request shall be made to the Council for the return of the deposit. The fee is calculated in accordance with Councils adopted schedule of Fees and Charges.

Note: Council currently requires (as of 1 August 2000) a building damage deposit of \$330 for all complying development work, inclusive of G.S.T.

2. If required, payment of the levy, or the first installment of the levy under the Building and Construction Industry Long Service Payments Act 1986. The levy or first installment (as applicable) can be paid to the Council, providing that a completed levy payment form accompanies the payment.
3. Before any site works, building or demolition begins, the Principle Certifying Authority shall be notified in writing of the name, address, phone number and licence number of the owner/builder who intends to carry out the approved works;
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

This does not apply to the extent to which an exemption is in force under clause 80H or 80I of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4);

5. Arrangements shall be made to the satisfaction of all Utility Authorities in respect to the services supplied by those authorities to the development. The necessity to provide or adjust conduits/services within the road and footway areas is to be at full cost to the applicant
6. That all excavation, demolition and building work in connection with the proposed development shall only be carried out between the hours of 7.00am and 5.00pm on Mondays to Fridays, and 7.00am and 3.00pm on Saturdays and no work shall be carried out on Sundays or public holidays (where applicable, these restrictions do not apply to the maintenance of site cranes nor the use of mobile cranes which stand and operate from a public road, provided that a permit has been obtained from the Director of Public Works and Services Department for the use of a mobile crane);
7. That the building/demolition work shall comply with Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites";
8. That all demolition work shall comply with Australian Standards 2601-1991.

9. If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place;

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

10. That noise from construction/demolition activities associated with the development shall comply with the guidelines contained in the NSW, EPA, Environmental Noise Control Manual Chapter 171, that is:

(a) Construction periods of 4 weeks and under: 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 20dB(A) when assessed to any sensitive noise receiver.

(b) Construction periods greater than 4 weeks and not exceeding 26 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 to any sensitive noise receiver.

NOTE: the above noise levels are applicable for construction hours of:

(i) Mondays to Fridays, 7.00am to 5.00pm

(ii) Saturdays, 7.00am to 3.00pm

No construction work outside of the above hours is permissible without the prior approval of Council.

11. That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall 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 and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract.

12. Building work that involves 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:

(a) in the case of work to be done by a licensee under that Act:

- (i) has been informed in writing of the licensee's name and contractor license number, and
- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or

(b) in the case of work to be done by any other person:

- (i) has been informed in writing of the person's name and owner-builder permit number, or
- (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which the EPA Act 1998 Regulation was gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part;

13. That the applicant and/or builder shall prior to the commencement of work, install, maintain and implement adequate soil and sediment control measures and adopt suitable site practices to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include:

- (a) Siltation fencing
- (b) Protection of the public stormwater system; and
- (c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

14. If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- (b) adequate provision must be made for drainage.

15. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorized entry to the work site is prohibited, and
- (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out;

16. That the use of the premises shall not give rise to:-

- (a) transmission of 'offensive noise' to any place of different occupancy, or
- (b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LA10,15min and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content.
- (c) a sound pressure level at any affected premises that exceeds the recommended planning levels outlined in the NSW, EPA Environmental Noise Control Manual; or, A sound pressure level at any affected premises that exceeds the NSW, EPA recommended maximum noise level as modified to account for the existing level of stationary noise at the receiver premises (NSW, EPA Draft Stationary Noise Source Policy).

17. Excavation & Building Support

- (a) If excavation extends below the level of the base of the footings of a building on an adjoining allotment of the land, the person causing the excavation to be made:
 - (i) must preserve and protect the affected building from damage, and
 - (ii) if necessary, must underpin and support the affected building in an approved manner, and
 - (iii) must at least 7 days before commencing an excavation capable of affecting the footings of a building on an adjoining allotment of land furnish particulars to the owner of the proposed work.
- (b) The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (c) In this clause, allotment of land includes a public road and any public place.

18. That all loading and unloading of construction materials shall take place off street at all times unless the South Sydney Local Traffic Committee approves an on-street Construction Zone;

19. That only refuse skips by approved suppliers who comply with Council's Code for the Placement of Waste containers on the Public Way shall be delivered and placed on the public way (contact Council's One Stop Shop for a list of approved suppliers);

20. That new work including footings shall not project beyond the street alignment or boundaries of the allotment;
21. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons employed at the site.

Each toilet provided:

- (a) must be standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to a accredited sewage management facility approved by the Council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage facility approved by the Council.

The provision of toilet facilities in accordance with this clause must be completed before any other work commenced.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan, the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

Approved by the Council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

Public Sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

Sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

ADDITIONAL CONDITIONS FOR SPECIFIC DEVELOPMENT TYPES

These conditions, together with all of the **General Conditions** are to be imposed on Complying Development Certificates for the following types of development.

Alterations & Additions to the rear of a Dwelling House *and* Attic Conversions to Single Terrace Dwelling Houses *and* Erection or Replacement of a Rear Lane Garage or Carport

Development Conditions

1. That the use of the premises shall remain as dwelling in single occupation only;
2. That the builder or person who is contracted to do the residential building work shall comply with the requirements of part 6 of the Home Building Act 1989 in that a person shall 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 and a certificate of insurance evidencing the contract of insurance, in a form prescribed by the regulations is attached to the contract.
3. Residential building work may not be used until a Compliance Certificate has been issued by the Principal Certifying Authority.

Bed and Breakfast Accommodation: Development Conditions

1. That intruder alarm/s associated with the development shall only be permitted to operate in accordance with the requirements of the Protection of the Environment Act, 1997;
2. That the business proprietor shall enter into a contract for the removal of trade waste from the premises;
3. Bed and Breakfast Accommodation may not be used until a Compliance Certificate has been issued by the Principal Certifying Authority.

Swimming Pools and Spas: Development Conditions

1. The pool or spa is not to be used until an Compliance Certificate has been issued by the Principal Certifying Authority
2. That warning notices in accordance with Section 17 of the Swimming Pool Regulation (No 2) 1992 shall be erected.

**Change of Use (Industrial, Warehouses/Distribution Centres, Shops and Offices):
Development Conditions**

1. That no people (commonly known as “spruikers”) shall be on the property or the public way, publicising the use of the premises;
2. The subsequent use must comply with all operational conditions of previous development consent;
3. Premises are not to be used until an Compliance Certificate has been issued by the Principal Certifying Authority
4. The subsequent use must comply with Council’s standard conditions 110, 111, 3014;
5. That at no time shall any signs, amplification equipment, goods or the like be placed on public areas or the footpath adjacent or near the premises;
6. That at all times, any loading docks, car parking spaces and access driveways shall be kept clear of goods and shall not be used for storage purposes, including garbage storage;
7. That the business proprietor shall enter into a contract for the removal of trade waste from the premises.
8. 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.

Note: The obligation under this subclause to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

This does not apply to the extent to which an exemption is in force under clause 80H or 80I of the EPA Act Regulations 1998, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4).

Category 1 fire safety provision has the same meaning as it has in Part 7B.

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