

# EXEMPT & COMPLYING DEVELOPMENT

KU-RING-GAI COUNCIL



*DEVELOPMENT CONTROL  
PLAN NO 46*

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# DEVELOPMENT CONTROL PLAN 46 EXEMPT AND COMPLYING DEVELOPMENT

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### **Addendum for page 25.**

Paragraphs 2 and 3 of page 25 referring to “Integrated Development” are intended to be interpreted as follows:

Either Council or an Accredited Certifier can issue a Complying Development Certificate for complying development that also needs to obtain a licence or approval from another statutory authority. However, it is the **applicant’s responsibility to obtain these other relevant licences or approvals** before any work commences. The applicant should check with Council in this regard (eg any works within 40 metres of water courses may require a licence from the Department of Land and Water Conservation).

Integrated development provisions only apply where a project requires a development application (not Exempt Development or Complying Development Certificate). If a development which requires a development application also requires a licence or approval listed under the *Environmental Planning and Assessment Act 1979* (Section 91) the development application is treated as integrated development.

When a development is assessed as integrated development, the relevant statutory authorities provide ‘general terms of approval’ (conditions) to the Council to be included in Council’s conditions of consent. An applicant is still required to seek the relevant licences or approvals from those same statutory authorities, and if the applicant does so within 3 years and in accordance with the development consent that was issued, the statutory authority is required to issue that licence or approval. (This provides certainty for the applicant and the statutory authorities).

# KU-RING-GAI MUNICIPAL COUNCIL

## DEVELOPMENT CONTROL PLAN No. 46

### EXEMPT AND COMPLYING DEVELOPMENT

#### INTRODUCTION

##### WHAT IS THE PURPOSE OF THIS PLAN?

The purpose of this Plan is to introduce and establish requirements for two new categories of development, Exempt and Complying Development under the Environmental Planning and Assessment Act 1979 (EP&A Act). This Plan is to be read in conjunction with draft LEP No. 180 - Exempt and Complying Development, which also establishes the requirements for exempt and complying development.

##### WHAT IS EXEMPT DEVELOPMENT?

Exempt Development is development that does not require any approval, if the work is carried out within the limitations set out in Schedule 1 of this document. This relates to minor works such as awnings, barbecues, fences, garden sheds and the like, which are of a limited size and satisfy the exemption requirements, notated in dot form under the relevant heading.

##### WHAT IS COMPLYING DEVELOPMENT?

Complying Development is development which must comply with a set of standards set by Council, and identified in Schedule 2 of this document. An application for a Complying Development Certificate must be lodged with either Council or an Accredited Certifier in the private sector.

If you obtain a Complying Development Certificate, you do not have to go through the development application process and you do not have to apply for a Construction Certificate. The Complying Development Certificate serves as both.

##### COMMENCEMENT

This plan was adopted by Council on 16 November 1999 and certified on 1 December 1999.

##### WHERE DOES THIS PLAN APPLY?

This Plan applies to all activities or works which are specified in Schedules 1 and 2, in all parts of the Ku-ring-gai local government area except:

- (a) if the development is State significant development, or
- (b) if the development is designated development, or





- (c) if the development is development for which development consent cannot be granted except with the concurrence of a person other than:
  - (i) the consent authority, or
  - (ii) the Director-General of National Parks and Wildlife as referred to in Section 79B of the Environmental Planning and Assessment Act 1979, or
- (d) on land that is critical habitat (within the meaning of the Threatened Species Conservation Act 1995), or
- (e) for complying development on land that comprises, or on which there is, an item of environmental heritage:
  - (i) to which an order under the Heritage Act 1977 applies, or
  - (ii) that is identified as such an item in the Ku-ring-gai Planning Scheme Ordinance, or
- (f) on land that is, or is part of, a wilderness area (under the wilderness Act 1987), or
- (g) an Aboriginal place under the National Parks and Wildlife Act 1974, or
- (h) on land that is reserved or dedicated under the Crown Lands Act 1989 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or
- (i) for exempt development if your property is listed as an item of environmental heritage in the Ku-ring-gai Planning Scheme Ordinance, the development will not be an exempt development, if it is marked with an arrow ➤ in Schedule 1 - Exempt Development of this Plan.

NOTE 1 : If you would like to find out if your development or property falls into one of the above categories, please contact Council's Development Control Department. Council will be able to advise you of any controls that may affect your property.

NOTE 2 : If your property is listed as an **item of environmental heritage, or is within a heritage conservation area**, you will **not** be able to carry out the Exempt Development marked with an arrow ➤, which includes the demolition of the Exempt Development type marked with an arrow ➤. You are required to lodge a Development Application with Council for these developments, and a Construction Certificate Application if applicable.

NOTE 3 : If the activity or work that you want to carry out does not fit in the criteria for exempt or complying development, then you must obtain approval by lodging a Development Application with Council, and a Construction Certificate Application if applicable.

NOTE 4 : The words marked with an asterisk\* in this Plan, are defined in Appendix 1, Definitions section of this Plan.

The EP&A Act 1979 provides for severe penalties if you fail to comply with the criteria for exempt or complying development or fail to obtain a development approval.



## **WHAT ARE THE OBJECTIVES OF THIS PLAN?**

The objectives of this Plan are:

- (i) To identify what development is exempt from Council approval;
- (ii) to identify what development is complying development;
- (iii) to provide measures to ensure that exempt and complying development proposals are consistent with the established character of the surrounding area;
- (iv) to provide measures to protect the natural and built environment;
- (v) to detail procedures to be followed by Council and accredited certifiers in assessing complying development applications.

## **CAN ANY DEVELOPMENT VARY FROM THE CRITERIA FOR EXEMPT AND COMPLYING DEVELOPMENT?**

No variations to the criteria specified within this plan are permitted. If a development does not comply with any of the criteria within this DCP, a Development Application is required to be lodged with Council for the proposal.

Most activities will still require formal approval through the Development Application process. If the Development Application involves construction, then a Construction Certificate must also be issued before the work can start. A Construction Certificate certifies that the building will comply with any development consent that has been issued and all the technical provisions of our building laws.

## **RELATIONSHIP WITH OTHER DOCUMENTS**

The Local Environmental Plan and Development Control Plan for Exempt and Complying Development are not stand alone documents and in some circumstances, should be read in conjunction with other plans of Council.

The following list of Council's Plans may apply to the proposed development and should be referred to, where quoted in this Plan.

### **Development Control Plans**

Development Control Plan No. 28 - Advertising Sign  
Development Control Plan No. 38 - "The Good Design Manual".  
Development Control Plan No. 40 - Construction and Demolition Waste Management.  
Plans of Management, adopted by Council.



In many instances, you will need to check Council's records, to obtain information on property affectations such as contaminated land and previous land uses on the subject property. Some of this information will be provided on a Section 149 Certificate which can be issued by Council. More detailed information can be obtained by contacting the relevant Council Officer in the Development Control Department on 9424 0888.

## **THE ROLE OF THE PRIVATE CERTIFIER**

Another aspect of the 1998 amendments to the Environmental Planning & Assessment Act is the introduction of private sector certification and the ability for accredited persons to issue Complying Development Certificates and Construction Certificates.

Accredited certifiers can also monitor compliance with an approval during construction and issue Compliance Certificates. This is the role of a Principal Certifying Authority (PCA). A PCA must be appointed before any work commences on a development site. The PCA is nominated by the applicant and may be either the Council or an accredited certifier. In effect, private certifiers act as Council but only for a limited range of matters.



# SCHEDULE 1 - EXEMPT DEVELOPMENT

## SECTION 1

Exempt development is development that:

- (a) may be carried out, in accordance with LEP 180 and the exempt development schedule in this plan, on land to which the provision applies without the need for development consent, unless that land:
  - (i) is critical habitat, or
  - (ii) is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1985).
  
- (b) Part 5 of the EP&A Act does not apply to the development.

## INTRODUCTION

The works or activities listed in the following schedule do not require any approval to be carried out. If the proposed development fits into an Exempt Development category, you may commence the work or activity immediately.

The applicant is encouraged to discuss any plans for an Exempt Development with the neighbouring property owners prior to commencing any works for the proposed Exempt Development. The purpose of the discussion with neighbours would be to ascertain any comments, and if appropriate make any adjustments to the proposed exempt development, given the neighbours comments prior to carrying out the works.

Further advice required.

If you are unsure about the proposed works or activities you are carrying out, please contact Council's Development Control Department on 9424 0888 for advice on Exempt Development.

## SECTION 2

### WHAT IS AND WHAT IS NOT EXEMPT DEVELOPMENT?

#### What is Exempt Development?

- (1) Development listed in Schedule 1 of this plan and sub clause 24(2) of LEP 180.

Development is Exempt Development only if:

- (a) it is development that may be carried out without development consent on land within a zone specified in the table to clause 23 of the Ku-ring-gai Planning Scheme Ordinance, and



- (b) it complies with any relevant development standards prescribed for the development by the Ku-ring-gai Planning Scheme Ordinance and this Plan, and
  - (c) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
  - (d) it does not require a tree to be pruned or removed, except where the prior approval of Council to such pruning and removal is obtained, and
  - (e) it does not obstruct drainage of the site on which it is carried out, and
  - (f) it does not restrict any vehicular or pedestrian access to or from the site, and
  - (g) 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
  - (h) it does not cause interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste product, grit or oil or otherwise, and
  - (i) where it is carried out in a heritage conservation area, it is carried out or proposed to be carried out behind the front building alignment of the principal or main building on the land, and
  - (j) the development is consistent with any plan of management approved under State Environmental Planning Policy No. 44 - Koala Habitat and with any recovery plan or threat abatement plan in force under the Threatened Species, Conservation Act 1995 that apply to the land, and
  - (k) the maximum built-upon area of the subject site does not exceed 50% after the completion of the development.
- (2) Development is not exempt development if it is carried out on land that:
- (a) is identified as an Aboriginal place or known Aboriginal relic, or is dedicated or reserved under the National Parks and Wildlife Act 1974, or
  - (b) 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
  - (c) is or is the site of a heritage item listed in Part 1 or Part 2 of Schedule 7 to the Ku-ring-gai Planning Scheme Ordinance and is marked with an arrow (➤) in this Plan, or



- (d) is a natural area / bushland, in accordance with SEPP No. 19, as identified on Council's Open Space Categories and Land Use Map.

**Note:** Under Section 76(3)(a) of the EP&A Act, exempt development cannot be carried out on land that:

- (a) is critical habitat (within the meaning of the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994),  
or
- (b) is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1987).



## EXEMPT DEVELOPMENT

**Definition:** *Minor building works as defined in the schedule listed below and complying strictly with the listed criteria.*

### **Aerials/Antennae/Microwave antennae**

*(Not including satellite dishes - dealt with as a separate provision).*

- For domestic use only.
- Wall mounted and roof mounted not exceeding 3.6m above roof ridge height.
- Not to encroach over the property boundaries.
- One per dwelling.

### **Air Conditioning Units for Dwellings**

- Not to be forward of the building line, if other than wall mounted.
- Any opening created is to be adequately weatherproofed.
- The building work must not reduce the structural integrity of the building.
- One per dwelling.
- Must be located a minimum setback of 3 metres from the external wall of an adjoining dwelling.
- The requirements of the Protection of the Environment Operations Act for the control of noise must be adhered to.
- No closer than 1.2 metres to any pool safety fence.

### ➤ **Awnings, Canopies and Storm Blinds attached to a dwelling**

- Maximum area of 10m<sup>2</sup>.
- Maximum height of 3 metres.
- Located wholly within property boundaries.
- Must not be located forward of the building line.
- Must comply with the Building Code of Australia.
- Must be constructed of non-reflective materials.



### **Barbecues**

- Maximum area of 3 m<sup>2</sup>.
- Maximum height 1.8m above natural ground level.
- Located in rear yard only.
- No closer than 1.2m to any pool safety fence.
- A maximum of 1 structure per allotment.



## **Bird Aviaries, Cabanas/Gazebos**

*Bird aviaries are an enclosure in which birds other than poultry or pigeons are kept.*

- Maximum area 10m<sup>2</sup>.
- Maximum height 2.4m above natural ground level.
- Bird aviaries to be a minimum of 500mm from boundary for maintenance and cleaning.
- Located a minimum distance of 4.5 metres from the nearest dwelling.
- Must not be located in the front yard.
- The structure must have wash down waste contained within the subject property.
- A maximum of 1 structure per allotment.

### ➤ **Bridges and staircases installed in Public parks and recreation spaces**

- Must be constructed by or for Council.
- Bridges to a maximum span of 5 metres.
- Designed, fabricated and installed in accordance with the BCA (Section B) and AS 4100 (for steel structures) and AS 1720 (for timber structures).
- Australian National Parks and Wildlife Service Walking Track Management Manual Standards must be complied with.

Note:

The bridges and staircases shall be installed and maintained in accordance with Council's adopted Plan of Management for the subject site, where applicable.

## **Clothes Hoist/Lines**

- Must not be located in front yards.
- Installed to Manufacturer's specifications.

### ➤ **Community Banners**

Short term temporary banners to attract public support for a social, cultural or recreational event.

- The banner is for a social, cultural or recreational event.
- The banner advertises the event or activity only.
- The maximum area of the banner is 4m<sup>2</sup>.
- Sponsorship information is a maximum of 20% of the total area of the banner displayed at the venue or sponsor's premises.
- The banner is erected for a maximum of 14 days before the event.
- The banner is removed within 24 hours of the event.
- A maximum of 4 banners are erected in association with the event at separate locations including the venue.
- The banner is located within the boundaries of a site and not located over a roadway or footpath.





- The banner is not attached to a tree.
- The banner is non-illuminated and non-flashing.
- The maximum height of the banner when erected, is 4.6 metres and the minimum height is 2.6 metres above the existing natural ground level.



## **Cubby Houses and Playground Equipment**

- Maximum area 5m<sup>2</sup>.
- Maximum overall height of 2.4m above the existing natural ground level.
- Must be located in rear yard only.
- Must be sited so as not to cause interference to the amenity enjoyed by adjoining properties.
- Must be a minimum distance of 5 metres from dwellings on adjoining properties and a minimum distance of 2 metres from the boundary.
- The cubby house or playground equipment must be free standing.
- Does not include tree houses.
- If the cubby house is to be roofed and is not constructed with a timber material, the roof must be of a darker colour so as to not create reflectivity. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
- A maximum of 1 structure per allotment.

### ➤ **Decks**

*A horizontal platform that is attached to a structure or free standing and is not roofed, and not enclosed with walls.*

- Maximum area 10m<sup>2</sup>.
- Finished surface level to be no greater than 300mm above the existing ground level.
- Must be a minimum 200mm clearance to underside of bearers if constructed of timber.
- Must be located in rear yard only.
- The minimum setback from any side or rear property boundary is to be 2 metres.
- If located in Fire Radiation Zones, it must comply with the provisions of AS 3959 "Construction in bushfire-prone areas".



## ➤ Demolition

The demolition of structures is not an exempt development if:



- (i) asbestos cement or fibres are existing and identified in the structure proposed to be demolished; or
  - (ii) the type of Exempt Development is marked with an arrow ➤ in this plan; and
  - (iii) the subject site is an item of environmental heritage or is within a heritage conservation area, as identified in the Ku-ring-gai Planning Scheme Ordinance.
- Where asbestos is discovered as a matter of course during the demolition process, any works must comply with "Asbestos: Code of Practice and Guidance Notes" produced by Work Safe Australia. Disposal of asbestos contaminated waste must be in compliance with "Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes" produced by the NSW Environment Protection Authority.
  - Demolition must be carried out to AS 2601-1991 Demolition Code.
  - Lead can effect the health of all people but foetuses, pregnant women and children under the age of four are most at risk. There are a number of sources of lead which may be disturbed during demolition including:
    - Lead paint, most Australian homes built before 1970 contain lead paint;
    - Lead contaminated dust, in ceiling cavities, behind walls and between or under floorboards this dust comes from (car exhausts, previous renovations in the house or nearby, industrial pollution, etc);
    - Sheet lead, used in older houses and is still used now, though to a lesser extent;
    - Lead flashing, weather proofing gaps around windows, doors and chimneys.
  - Any work involving lead paint removal must not cause lead contamination of air, soil or water and must comply with "Lead Safe: A Renovators Guide to the Dangers of Lead" (EPA, 1998).
  - The demolition of any structure as an Exempt Development must comply with Council's DCP No. 40.
  - The maximum area of the structure to be demolished is 40m<sup>2</sup>.
  - Lead contaminated waste can generally be disposed of by sealing in heavy duty plastic bags in household rubbish or at a Class 1 or 2 landfill. *Waste must be covered during transportation.* If the subject site is currently used for purposes other than residential, educational institution or child care, and the waste is



concentrated, a NSW Environment Protection Authority (EPA) Waste Facility must be used.

## Disabled Access Facilities

*Installation of ramps, paths, inclinators in buildings but excludes lifts.*

- Maximum height of 600mm above the existing ground level.
- Maximum grade 1:14 and also in compliance with AS 1428.1.
- Maximum length of 9m.

### ➤ **Fences (other than fences covered by the Swimming Pools Act 1992)** **General Requirements**



- All fences are to be constructed so that they do not prevent the natural flow of stormwater drainage/runoff.
- These requirements do not set aside the provisions of the Dividing Fences Act 1991.
- You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act 1991.

### ➤ **Side fences and rear boundary fences**

- Side fences are only permissible as Exempt Development when 60% or more of the properties in the subject street have an existing side fence erected.
- Side and rear fences erected as an Exempt Development must be of a type usual in the street.
- Maximum height 1.8m, above existing ground level, if constructed of timber, metal or lightweight materials.
- Maximum height 600mm, above existing ground level, if constructed of masonry or brick.
- Maximum height 1.5m, above existing ground level, if constructed adjacent to a bushland area, and must be constructed of a wire fence material.

## Flagpoles

- Maximum height of 6m above natural ground level.
- Must be located a minimum of 7m setback from any property boundary.
- Must be structurally adequate.



- Protocol relating to flags should be observed.
- Metal poles have noise potential and attenuation measures are required.
- The provisions of the Protection of the Environment Operations Act 1997 may be enforced where noise related nuisances occur.
- A maximum of 1 flagpole per site.

### **Garden sheds and green houses**

- Maximum floor area of 10m<sup>2</sup>.
- Maximum height of 2.1m above natural ground level.
- Located in rear yard only.
- Free standing and pre fabricated.
- Must be erected in accordance with manufacturer's specifications.
- If the roof of the garden shed or green house is not constructed with a timber material, then the roof must be of a darker colour so as to not create reflectivity. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
- A maximum of 1 structure per allotment.



NOTE: Should be carefully sited to avoid any nuisance to adjoining properties as a result of roof water run off or visual intrusion.

### **Goal posts, sight screens and similar sporting structures**

*Located on sporting or playing fields for use in the playing/performance of sporting events (excluding grandstands, dressing sheds and other structures).*

- Construction is to be commissioned by Council and within Council managed public open space.
- Must be structurally adequate.



Note:

The structures shall be installed and maintained in accordance with Council's adopted Sportsfields Plan of Management, for the subject site, where applicable.

### **Home Occupations**

- Must comply with the definition of a Home Occupation, as defined in the Ku-ring-gai Planning Scheme Ordinance.

#### **➤ Lych gates**

- The width and depth must be less than 1.8m.
- The maximum height must be no more than 2.4 metres from the existing natural ground level to the top point of the gate.



## Minor Internal Alterations - Single Dwellings

*Applies 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. Applies only to alterations or renovations to previously completed buildings. Examples of minor alterations include new door, bathroom renovations, kitchen renovations etc.*

- The work is not to include changes to the configuration of rooms whether by removal of existing walls, partitions or by other means
- The work is not to cause reduced window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas.
- The alteration should not affect the structural strength and stability of the building. E.g. External walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls without considering overall strength and stability may result in the failure of external walls.

NOTE: You are required to consult Council's Development Control Officer if wet area membranes or flashing is proposed or required to ensure that the method of construction will meet the required standards. 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 the work proposed will not affect the structural sufficiency and stability of the building. Any work involving asbestos cement should comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". Any work involving lead paint removal must not cause lead contamination of air or ground.

## Outdoor Eating Areas

- Must be associated with an existing approved retail premises.
- Must comply with the requirements contained in Council's Outdoor Eating Policy.

## Park Furniture

*Applies to the erection/installation in parks of seats, bins, picnic tables and small shelters over picnic tables and seats, and carried out only on Council managed public land.*

- Construction must be by or for Council.
- A maximum area of 20m<sup>2</sup>.
- Must be designed, fabricated and installed in accordance with relevant SAA standards or the Building Code of Australia standards.



## Paving

*Applies to all paving and other hard surface materials, but excludes the construction of a driveway.*

- Must be located behind the front building setback requirement.
- Must be a minimum setback of 1 metre from the side and rear property boundaries.
- Must not direct surface water onto any adjoining properties.
- Must not be laid beneath the canopy of any tree protected under Council's Tree Preservation Order.
- The maximum amount of fill to be placed on the site must not exceed 500mm in height.
- Any fill material must be taken from within the boundaries of the subject site.
- The maximum area of paving must be no more than 25m<sup>2</sup>.

## ➤ Pergolas

- Maximum area of 10m<sup>2</sup>.
- Maximum height of 2.4m.
- The minimum setback from any side or rear property boundary is to be 2 metres.
- Must not be roofed or enclosed.
- Must be located in the rear yard only.

## Playground Equipment on Council Managed Land

- Must be constructed by or for Council and be designed, fabricated and installed in accordance with the relevant Australian Standard.
- All equipment must be installed in accordance with manufacturers instructions and comply with relevant Australian Standards.



Note:

The playground equipment shall be installed and maintained in accordance with Council's adopted Plan of Management for the subject site, where applicable.

## Public Art

- Must be carried out for municipal purposes only.

## Public Toilets

- Maximum area of 30m<sup>2</sup>.



- Must be carried out for municipal purposes only.
- A Section 73 Compliance Certificate must be obtained from Sydney Water Corporation Limited.

Note:

The public toilets shall be installed and maintained in accordance with Council's adopted Plan of Management for the subject site, where applicable.

### ➤ **Recladding of Roofs or Walls**

- Must only involve replacing existing materials with similar which are compatible with the existing building and finish.
- Recladding must not involve structural alterations or change to the external configuration of a building.
- Must not involve the installation of new windows.
- Existing windows not required for natural light or ventilation purposes may be removed.
- Must not involve any change to the size of any existing doors or windows.

Note: Any work involving asbestos cement should comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". Any work involving lead paint removal must not cause lead contamination of air or ground.

### ➤ **Retaining Walls**

*Included as part of minor landscaping works.*

- Maximum height of 500mm above existing natural ground level.
- Must be located wholly within the property boundaries.
- Clean granular backfill must be used and adequately drained.
- No fill is to be placed and no excavation is to occur within the dripline of any tree covered by Council's Tree Preservation Order.
- Minimum setback of 2 metres from any side, front or rear property boundaries.
- All retaining walls are to be constructed so that they do not prevent the natural flow of stormwater drainage/run off.
- All retaining walls are to be constructed and drained so that they do not allow surface water run-off to flow onto neighbouring properties.
- Any fill material used must be taken from within the boundaries of the subject site.

- Masonry walls to comply with:

AS3700 - Masonry Code  
 AS3600 - Concrete Structures  
 AS1170 - Loading Code



- Timber walls to comply with:

AS1720 - Timber Structures

AS1170 - Loading Code

## **Satellite Dishes**

### **Located on Residential Premises and Ground Mounted**

- Maximum height of 1.8m above existing natural ground level.
- Maximum diameter 700mm.
- Must be located in the rear yard and be a minimum distance of 900mm from any side or rear property boundary.
- Must be structurally adequate.

### **➤ Located on Residential Premises and Roof Mounted**

- Maximum diameter 700mm.
- Colour is to be the same as the existing roof colour.
- Must be structurally adequate.

### **Located on Commercial Premises and Ground Mounted**

- Maximum height of 1.8m above existing natural ground floor level.
- Maximum diameter of 1m.
- Must be located a minimum of 900mm from the property boundary, if the adjoining property is residential, and in all other cases contained within the property boundaries.
- Must be structurally adequate.

### **Located on Commercial Premises and Roof Mounted**

- Maximum height above existing roof surface of 1.5m.
- Maximum diameter of 1m.
- Must be structurally adequate.

## **Scaffolding**

- Not to encroach onto footpath, public thoroughfare or adjoining property. Encroachments onto adjoining properties are permitted when the consent of the relevant adjoining property owner is obtained.
- No scaffolding is to be provided to any building identified as a Heritage Item, except with the prior consent of the Council.
- Must be erected in accordance with the Work Cover Authority's requirements.
- Must be structurally adequate.





## Shade Structures

- The structure is constructed in conjunction with an educational establishment, child care centre, park or recreation area.
- Must be installed in accordance with manufacturers instructions and comply with relevant Australian Standards.

Note:

The shade structures erected for Municipal uses shall be installed and maintained in accordance with Council's adopted Plan of Management for the subject site, where applicable.

## Signs

- "As of Right" signs on residential premises restricted to 1 sign with a surface area of not more than 0.24m<sup>2</sup> and a maximum height of 1.5m above ground level. Refer to Part 13 of Development Control Plan No. 28 - Advertising Signs.
- Real Estate signs must be of a temporary nature, as set out in Part 14 of Development Control Plan No. 28 - Advertising Signs. Further, all requirements for Real Estate signs specified in Part 14 of Development Control Plan No. 28 - Advertising Signs must be complied with.



### ➤ Skylights/roof windows, in detached dwelling houses

- The total area of skylight or skylights must not exceed more than 5% of the total roof area per dwelling.
- Must be located in non habitable roof space.
- Must be setback a minimum of 900mm from any property boundary.
- Must be installed by a licensed contractor.
- Must be installed a minimum of 2.4m above the floor level of the room of which it serves.
- The building work must not reduce the structural integrity of the building.
- Any opening created by the installation must be adequately weatherproofed.
- Installation must be to manufacturer's specifications.

### Solid Fuel Heaters including stoves, heaters, fireplaces and oil fired heaters

- Installed in accordance with Part G2.21 of the Building Code of Australia and to the manufacturer's specifications.



## Special Events

- The special event is carried out for any of the following purposes: concert, circus, special public event, charity event, fairs, festivals, markets, exhibitions, and major sporting events.
- A maximum of 500 people will attend the special event.
- The event does not require the closure or partial closure of any public road.
- If carried out on a Council owned property, the proposed venue must be formally booked with Ku-ring-gai Council and all relevant fees must be paid.
- Written notice of the special event must be given to Council, 7 days prior to the event, and advising of the time, date and type of event, and number of people anticipated to attend.
- Written notice of the special event must be given to any residential properties within a 200m radius of the land where the event is proposed to be held, and advising of the time, date and type of event, 7 days prior to the event.
- Adequate provision must be made for traffic management, crowd control, temporary buildings, provision of sanitary and waste facilities, and food vending.
- All alcohol free zones in the Ku-ring-gai municipality must be observed and adhered to.
- The event is to be held during daylight hours only but not commencing earlier than 8.00am and not ceasing later than 6.00pm in any case.
- The site which is used for the special event must be left in a clean, tidy and undamaged condition. Adequate provision is to be made for the collection and disposal of waste and recyclable materials by an authorised trade waste contractor.
- Adequate provision is to be made for sanitary facilities for staff and patrons.
- Temporary food premises, stalls and mobile vendors are to comply with Council's code for temporary food premises. Any direction issued by the Council is to be adhered to.
- Any temporary structures are to be structurally sound and capable of withstanding the loadings likely to arise from the use.



➤ **Street Furniture**

*Includes seats, bins and tables (excluding bus shelters).*

- Must be constructed by or for the Council.
- Must be designed, fabricated and installed in accordance with the relevant SAA standards or the Building Code of Australia.



➤ **Subdivision (Boundary Adjustments and Rectifying an Encroachment)**

*Subdivision as defined in Section 81A(3) of the Environmental Planning and Assessment Act, is the carrying out of any physical activity in, on, under or over land in connection with the subdivision, including the construction of roads and stormwater drainage systems.*

**Commercial and Residential Zones**

- Not to be carried out on sites that are listed as an item of environmental heritage, under the Ku-ring-gai Planning Scheme Ordinance, or any gazetted LEP.
- Not to be used for the purpose of leasing land.
- To be used for the purposes of:
  - making an adjustment to a boundary between allotments, being an adjustment that does not involve the creation of an additional allotment, and which does not result in more than a ten percent (10%) variation in the size of the lots, or
  - rectifying an encroachment upon an allotment and which does not result in more than a ten percent (10%) variation in the size of the lots.
  - Does not impact on the drainage or access rights to any of the parcels of land involved in the subdivision or any adjoining premises.
  - A written notice and a copy of the plan of subdivision is lodged with Council prior to lodgement with the Land Titles Office.
  - Any notice of transfer must also be forwarded to Council, with the appropriate lodgement fee.
  - Where the effected properties contain a building, the subdivision does not result in the external wall or any part of the external wall of the building being located within 0.9m of a boundary.



- Any boundary adjustment or boundary re-alignment must maintain lot frontages which comply with the minimum standards of the Ku-ring-gai Planning Scheme Ordinance for the erection of a dwelling-house or residential flat building or any gazetted LEP or adopted DCP.
- The subdivision does not create an allotment that fails the minimum standards for the erection of a dwelling-house or residential flat building pursuant to the Ku-ring-gai Planning Scheme Ordinance or creates an allotment that fails to meet the minimum subdivision standards contained in any gazetted planning instrument within the Council area.
- Subdivision is not to result in the creation of allotments which have a built-upon area in excess of the maximum built-upon area of 50% as provided for the Ku-ring-gai Planning Scheme Ordinance or the maximum built-upon area requirement specified in any gazetted LEP related to the land.
- Does not create any additional allotments.
- Does not result in any building contravening the deemed-to-satisfy provisions of the Building Code of Australia.
- The proposed subdivision works do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.

### **Temporary Buildings**

*Includes portaloos, marquees, tents, stages, amusement devices.*

- Not to be erected for more than 36 hours.
- Must be structurally sound.
- Removal must occur immediately after completion of the activity or event.
- Amusement devices must be insured and approved by the WorkCover Authority.
- The structure does not alter the provision of car parking on the subject site.

### **Use of class 9b Building for Public Meetings**

*A Class 9b building as defined in the Building Code of Australia, is a building of a public nature.*

- The building is approved for use as a 9b building.
- Must not contravene any conditions of consent imposed by a previous consent.



## **Water Heaters**

*Includes solar water systems*

- The installation must not reduce the structural integrity of the building.
- Must not be located on the front facade of the dwelling.

## **Water Tanks**

- Maximum capacity 3000L.
- To be located at or above the existing natural ground level.
- If abutting a wall of the dwelling must be below the eaves line.
- Must not be located on the front facade of a dwelling.
- Maximum height of the tank is 1.8 metres above existing natural ground level, where it is installed along the side boundary setback of a dwelling.
- No part of tank or tank stand is to rest on the edge of a roof or footing due to added local pressure to the designed loading of the footings.
- All tanks/tank stand installations are to be structurally sound and comply with the manufacturer's and/or designer's instructions.
- Must be a commercially manufactured tank designed for the use of water supply.
- Overflow from the tank is to be piped directly to an approved stormwater system.
- The external finishes of the tank is to be painted or coloured to be compatible with the colour palette contained in Appendix 2 of this plan. Alternatively the water tank may be screened behind a permanent physical barrier that serves that purpose.
- Exemption does not apply if pumps are proposed to be installed on tanks.
- Taps associated with the tank are to be clearly marked indicating the source of the water.
- The water in the tanks is not to be used for drinking purposes.
- Free-standing tanks are permissible.
- A maximum of 1 tank for allotment.

## **Water Supply, Sewerage and Stormwater Drainage Work**

*Stormwater drainage works of a public works or civil works nature constructed by or for the Council.*

- All cases.
- All necessary inter-department and/or inter-government referrals must be made.

### ➤ **Windows, glazed areas and external doors**

*Excludes windows in heritage buildings, as defined in s142 of Local Government Act 1993.*

- Replacement in residential premises with materials that comply with:



- AS 1288 Glass in Buildings - Selection and Installation; and AS 2208 Safety Glazing Materials for Use in Buildings (Human Considerations).
- No change in the area provided for light and ventilation is permitted, and structural support members in the subject wall cannot be removed.

**Note:**

You are advised to consult a structural engineer, architect or building surveyor to ensure alterations will comply with the BCA and structural support will not be affected. Particularly, you should consult one of the abovementioned professionals, or a recognised glazier to ensure the approved quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.

Any works involving asbestos cement must comply with the WorkCover Authority's "Guidelines for Practices involving Asbestos in Buildings".

Any work involving lead paint must not cause lead contamination of air or ground.

**Other Exemptions**

- Other activities exempted from the need to obtain approval under the Local Government (Approvals) Regulation 1993 are listed in Table 1 below.

**Table 1 - Activities Exempted by the Regulation**

<b>Activity</b>	<b>Regulation</b>
Installation of moveable dwellings for short periods	Approvals Regulations cl 70
Installation of registrable moveable dwellings for owners and for certain employees	Approvals Regulations cl 70
Installation of registrable moveable dwellings on certain land	Approvals Regulations cl 70
Installation of moveable dwellings in approved caravan parks, camping grounds or manufactured home estates	Approvals Regulations cl 70
Transport of waste	Approvals Regulations cl 98
Place waste in a public place	Approvals Regulations cl 98
Dispose of effluent into a sewer	Approvals Regulations cl 98
Use of a loudspeaker or amplifying device on community land	Approvals Regulations cl 99
Operation of a public car park	Approvals Regulations cl 128
Some water supply, sewerage and drainage work	Water, Sewerage and Drainage Regulation cl 48



# SCHEDULE 2 - COMPLYING DEVELOPMENT

## SECTION 1

### Definition

*Complying development is development that:*

- (i) is local development of a kind that can be carried out with consent of the land owner on which it is proposed; and*
- (ii) is not an existing use, as defined in section 106 of the EP&A Act; and*
- (iii) is listed in the complying development schedule in this plan.*

### Introduction

The works or activities listed in the following schedule require you to apply for a Complying Development Certificate approval either from Council or an Accredited Certifier before any work commences. Once the Complying Development Certificate has been issued you do not need any further approvals.

The following details are required to be submitted with Complying Development Applications, if being lodged with Council or an Accredited Certifier:

- \* A completed application form signed by the owner.
- \* 2 sets of professionally drawn plans and specifications complying with the Building Code of Australia.
- \* Engineering drawings if applicable.
- \* A written schedule which demonstrates how the application complies with the Complying Development Criteria in Section 2 of Schedule 2.
- \* A waste management plan which is prepared in accordance with DCP No. 40.

The Act requires Council or a private certifier to process Complying Development Certificate within 7 days from the date of submission, provided the plans and specifications satisfy all of the Complying Development criteria from this Plan and the prescribed conditions of approval from this Plan and the EP&A Act. This will include evidence of compliance with the Building Code of Australia and the payment of required fees such as the Builder's Long Service Levy and insurances.

### Other Approvals Required

Although you may have a Complying Development Certificate, it is important that you are aware of the possibility that you may need to obtain consent from other Statutory Authorities. This consent may consist of a simple referral to the Service Providers, such as Sydney Water, the Telecommunications carrier or Integral Energy, or it may be more complex and involve the issuing of licences.



The EP&A Act identifies particular types of development which must have the consent/licences and conditions of approval of other Statutory Authorities, prior to Council releasing a consent. This type of development is known as **Integrated Development**.

The EP&A Act prevents Councils from issuing Complying Development Certificates for proposals which are integrated development, and requires a Development Application to be submitted to Council for the proposal. In these instances the Council will contact and liaise with the necessary authorities to obtain the required consents. Therefore, the issuing of the consent is equivalent to the gaining of both Council and the Authorities consent.

However, an Accredited Certifier may issue a Complying Development Certificate for an Integrated Development. It is the responsibility of the owner to ensure that the proposal has any required approval/s of a Statutory Authority is obtained prior to the commencement of work. It is recommended that you seek advice from Council on whether additional consents are required for your development proposal.

### **Registration of Complying Development Certificates**

The EP&A Act requires Council to maintain a record of all Complying Development Certificates which are approved or refused. To cover Council's costs of maintaining this record in a register, a registration fee is charged for all certificates lodged by an Accredited Certifier. Certificates issued by Council are not charged an additional fee, as the fee is incorporated into the cost of assessment of a Complying Development Certificate.

### **NOTIFICATION OF A COMPLYING DEVELOPMENT CERTIFICATE**

The following steps must be followed as a procedure for the notification of all Complying Development Certificates issued in accordance with LEP 180 and this Plan.

#### **STEP 1: Pre Determination**

The applicant is encouraged to discuss any plans for a Complying Development Application with the neighbouring property owners prior to submitting the plans to Council or an Accredited Certifier. The purpose of the discussion with neighbours would be to ascertain any comments, and if appropriate, make any adjustments to the plans, given the neighbour's comments prior to lodging the plans.

#### **STEP 2: Determination**

Section 85A(11) of the Environmental Planning and Assessment Act 1979 requires that on the determination of the application:

- (a) Council or the Accredited Certifier must notify (in writing) the applicant of the determination; and





- (b) where determined by an Accredited Certifier, the Accredited Certifier must notify (in writing) the Council of the determination.

#### STEP 3: Post-determination

Within 2 days of determining the complying development application, Council or the Accredited Certifier that has determined the application, is to notify (in writing) the property owners of all adjoining land\* to the subject site. The definition of "adjoining land" in this Plan must be used in this context.

Where a Complying Development Certificate is Issued.

#### STEP 4: Prior to commencement

The proponent of the development is to:

- (a) forward Notice of Commencement of Work and Appointment of a Principle Certifying Authority (Form 7 of The Environmental Planning and Assessment Regulation 1994) to Council; and
- (b) notify (in writing) the property owners of all adjoining land\* to the subject site, 2 days prior to works being undertaken in accordance with the Complying Development Certificate.

Note: If a complying development proposal is not being constructed in accordance with the consent, affected property owners may:

- (i) apply to Council to impose an order;
- (ii) initiate action under Section 123 of the Environmental Planning and Assessment Act, 1979; or
- (iii) notify the Accreditation Board.

For all complying development proposals, notification letters to property owners of all adjoining land\* must be issued in accordance with the standard letters of notification for complying development contained in Appendix 3 of this Plan.



## SECTION 2

### WHAT IS AND WHAT IS NOT COMPLYING DEVELOPMENT?

#### What is Complying Development ?

- (1) Development listed in Schedule 2 is complying development if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
  - (b) it is not an existing use, as defined in section 106 of the EP&A Act, except as provided by subclauses (2) and (3).

#### Development is Complying Development only if:

- (a) it is development that may only be carried out with development consent on land within a zone specified in the table to clause 23 of the Ku-ring-gai Planning Scheme Ordinance, and
- (b) it will satisfy all of the requirements listed in Section 2 of Schedule 2 in this Plan for the development, and
- (c) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
- (d) it is not carried out within any easement or public sewer main and complies with the building over sewer requirements of Sydney Water Corporation Limited applying to the land, and
- (e) a certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation Limited, and
- (f) it does not require a tree to be pruned or removed, except where the prior approval of Council to such pruning and removal is obtained, and
- (g) it does not contravene any restriction on the land, imposed by the Council, pursuant to any registered instrument, restriction, easement, covenant (positive or otherwise), or other instrument referred to in the Conveyancing Act 1919, and
- (h) the development is consistent with any plan of management approved under State Environmental Planning Policy No. 44 - Koala Habitat and with any recovery plan or threat abatement plan in force under the Threatened Species Conservation Act 1995 which applies to the land, and



- (i) where it is carried out in a heritage conservation area, it is carried out or proposed to be carried out behind the front building alignment of the principal or main building on the land unless otherwise specified in this Plan, and
- (j) the maximum built-upon area of the subject land shall not exceed 50% after the completion of the development.



## **Development is not Complying Development if it is carried out on land that:**

- (a) has a slope greater than 15%, as identified in Council's Slope Map, or
- (b) is identified by Council as bushfire prone, flood liable or contaminated land, or land subject to subsidence, slip or erosion, or
- (c) has previously been used as, or for the purposes of:
  - (i) intensive agricultural/horticultural activities (e.g. market gardens), or
  - (ii) asbestos production and disposal, or
  - (iii) chemicals manufacture or significant storage of chemicals, or
  - (iv) defence works, or
  - (v) a dry cleaning establishment, or
  - (vi) engine works, or
  - (vii) gas works, or
  - (viii) iron and steel works, or
  - (ix) landfill site or other waste treatment plant, or
  - (x) mining and extractive industry, or
  - (xi) oil production and storage, or
  - (xii) paint formulation and manufacture, or
  - (xiii) power station, or
  - (xiv) railway yard, or
  - (xv) scrap yard, or
  - (xvi) service station, or
  - (xvii) timber preservation facility

and in respect of which land 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 a suitably qualified consultant, after undertaking a site contamination investigation in accordance with the EPA "Guidelines for Consultants Reporting on Contaminated Sites" cannot provide a statement that the site is suitable for the proposed use, or

- (d) is identified as an Aboriginal place or known Aboriginal relic, or is dedicated or reserved under the National Parks and Wildlife Act 1974, 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) on State protected land within the meaning of the Native Vegetation Conservation Act 1997.



Notes:

Under section 76A (6) of the EP&A Act, complying development cannot be carried out on land that:

- (a) is critical habitat (within the meaning of the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994), or
- (b) is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1987), or
- (c) comprises, or on which there is, an item of environmental heritage:
  - (i) that is subject to an interim heritage order under the Heritage Act 1977, or that is listed on the State Heritage Register under that Act, or
  - (ii) that is identified as such an item in an environmental planning instrument, or
- (d) is identified as an environmentally sensitive area in the environmental planning instrument that makes provision for the Complying development.

## **Complying Development Conditions**

All Complying Development certificates must be issued with a copy of all the relevant conditions for the particular development. The conditions must be attached to the Certificate and issued in their entirety as they appear in Schedule 3 of this DCP.

Before work commences, the applicant is required to appoint a Principal Certifying Authority and give Council 2 days notice prior to the commencement of work.



# LIST AND CRITERIA OF COMPLYING DEVELOPMENT

## CATEGORY ONE

**What:** ALTERATIONS/ADDITIONS TO DWELLINGS  
(Including ancillary works)

- When:**
1. The alterations or additions are at ground floor level or below.
  2. The additional floor area or additional impervious footprint does not exceed 70 square metres.
  3. The alterations are above ground floor level and internal only.
  4. The alterations or additions meet the specification of what is and is not complying development, as outlined in Section 2 of this Plan.
  5. Not carried out in a heritage conservation area, identified in the Ku-ring-gai Planning Scheme Ordinance.
  6. Not carried out in an environmentally sensitive area, identified in the Ku-ring-gai Planning Scheme Ordinance.



## SITING

- The front building setback requirements are 9 metres on the low side of the street, 12 metres on the high side or when level and 3.8 metres to the secondary frontage on a corner block.
- Where the established front building setbacks are in excess of these requirements, buildings shall observe the established setbacks of adjoining properties.
- The side boundary setbacks of the building must be a minimum of 2 metres from the wall of the building to the boundary.
- The rear boundary setbacks must be at least 8 metres, or the average minimum of rear setbacks of any similar structures on land each side of the subject property, whichever is the greater.

## BUILDING DESIGN

- The built-upon area as defined does not exceed 50% of the total site area.



- The total length of an unrelieved wall\* is to be 12 metres long, which includes the existing wall and any additional wall length.
- External finishes are required to match the existing external finishes of the building. In this regard colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
- External materials of the roof, walls and windows are to be the same materials as the existing building.
- If carried out on sites prone to bushfire hazard, the new work shall comply with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.

### **BUILDING HEIGHT AND FORM**

- Any cut carried out on the site must not exceed 900mm in total.
- Any fill carried out must be contained within the external walls of the additional floor area and must be a maximum of 500mm in total.
- The finished floor level (FFL) for a slab on ground construction is to be a maximum of 300mm above the existing natural ground level.
- The finished floor level (FFL) for a timber floor construction is to be a maximum of 500mm above the existing natural ground level.
- The maximum height of the finished floor level (FFL) to the underside of the ceiling must not exceed 2.7 metres in height, or must match the existing building's finished floor level to ceiling height.
- The roof pitch of the addition is to match the roof pitch of the existing building.

### **DRAINAGE**

- Appropriate measures shall be taken to collect and dispose of any stormwater, in a manner which does not adversely effect any adjoining property.
- Stormwater is to be drained to the street gutter or to an existing drainage easement by gravity. Alternatively, where a property falls away from the street and a drainage easement is unavailable, stormwater can be drained to an existing on-site dispersal system designed by a Consulting Hydraulic Engineer for the whole built-upon area, where the built-upon area does not exceed 35%.
- The construction and use of an on-site dispersal system must comply with the requirements of Council's DCP No. 47.



- The drainage works must not be located beneath the canopy of any existing trees covered by Council's Tree Preservation Order.





## LANDSCAPING/TREES

- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.
- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.
- The building works must not be located within the dripline of any trees protected by Council's Tree Preservation Order.

## OPEN SPACE

- Not more than one third (1/3) of the front setback area is to be paved or sealed.

## DRIVEWAYS

- If you are required to construct a driveway as part of your development, the following standards must be applied:
  - The maximum gradient for a driveway is 15%.
  - Driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter. They are not to interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
  - On corner lots driveways are to be a minimum of 6 metres from the point of intersection of the two property boundaries.

## PRIVACY AND SECURITY

- Windows in a habitable room that allow an outlook to a habitable room in the adjoining property dwelling and are within 9 metres:
  - must be offset from the edge of one window to the edge of the other by a distance of 0.5 metres, or
  - must have sill heights of 1.7 metres above finished floor level, or
  - must have fixed obscure glazing in any part of the window below 1.7 metres above finished floor level.



## THE BUILDING CODE OF AUSTRALIA

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.



## CATEGORY TWO

**What:** SINGLE STOREY DWELLING HOUSES  
(Including ancillary works).



- When:**
1. The dwelling is single storey in height.
  2. The maximum gross floor area is 120 square metres.
  3. The single storey dwelling meets the specification of what is and is not Complying developments as outlined in Section 2 of this Plan.
  4. This excludes dual occupancy or any medium density developments.
  5. Not carried out in a heritage conservation area, identified in the Ku-ring-gai Planning Scheme Ordinance.
  6. Not carried out in an environmentally sensitive area, identified in the Ku-ring-gai Planning Scheme Ordinance.

## SITING

- The front building setback requirements are 9 metres on the low side of the street, 12 metres on the high side or when level and 3.8 metres to the secondary frontage on a corner block.
- Where the established front building setbacks are in excess of these requirements, buildings shall observe the established setbacks of adjoining properties.
- The side boundary setbacks of the building must be a minimum of 2 metres from the wall of the building to the boundary.
- The rear boundary setbacks must be at least 8 metres, or the average minimum of rear setbacks of any similar structures on land each side of the subject property, whichever is the greater.

## BUILDING DESIGN

- The built-upon area as defined does not exceed 50% of the total site area.
- There are no unrelieved walls\* in excess of 12 metres long.
- External finishes are required to be compatible with adjoining development that is visible from a street or public reserve. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.



- If carried out on sites prone to bushfire hazard, the new work shall comply with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.
- The building is to achieve a minimum score of 60% under Council's Energy Efficiency in Buildings Policy.

### **BUILDING HEIGHT AND FORM**

- Any cut carried out on the site must not exceed 900mm in total.
- Any fill carried out must be contained within the external walls of the dwelling, and must be a maximum of 500mm in total.
- The finished floor level (FFL) for a slab on ground construction is to be a maximum of 300mm above the existing natural ground level.
- The finished floor level (FFL) for a timber floor construction is to be a maximum of 500mm above the existing natural ground level.
- The maximum height from the finished floor level (FFL) to the underside of the ceiling must not exceed 2.7 metres in height.
- The roof pitch must be no greater than 24 degrees.

### **DRAINAGE**

- Appropriate measures shall be taken to collect and dispose of any stormwater, in a manner which does not adversely effect any adjoining property.
- An on-site stormwater detention system (designed by a Consulting Hydraulic Engineer) is to be provided which complies with Council's DCP No. 47. Stormwater is to be drained to the street gutter or to an existing drainage easement by gravity.
- Alternatively, stormwater can be drained to an existing on-site dispersal system designed by a Consulting Hydraulic Engineer for the whole built-upon area, where the built-upon area does not exceed 35%.
- The drainage works must not be located beneath the canopy of any existing trees covered by Council's Tree Preservation Order.

### **LANDSCAPING/TREES**

- The building works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building.



- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.
- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.
- The building works must not be located within the dripline of any trees protected by Council's Tree Preservation Order.
- A landscape plan is to be prepared and implemented for the development, which complies with Council's Guide to Preparing a Landscape Plan. The landscaping is to provide for trees that are capable of reaching a minimum height of 13 metres on shale and transitional soils, and 10 metres on sandstone derived soils. The following minimum number of trees must be provided according to the lot sizes:
  - Less than 850m<sup>2</sup> - 3 trees.
  - 850m<sup>2</sup> to 1,000m<sup>2</sup> - 5 trees.
  - 1,000m<sup>2</sup> to 1,500m<sup>2</sup> - 7 trees.
  - Over 1,500m<sup>2</sup> - 10 or more trees.

NOTE: Existing tall canopy trees may be counted in the total.

- If the site is located adjacent to a bush land area, indigenous trees are to be planted. In this regard, you are advised to contact Council's Landscape Architect for further advise if needed.

## **OPEN SPACE**

- Not more than one third (1/3) of the front setback area is to be paved or sealed.

## **PARKING**

- Car parking for one (1) car space is to be provided behind the front building line of the single storey dwelling house.
- The minimum dimension of a car parking space is 2.7m x 5.4m.
- The minimum internal dimension of a single lock-up garage is 3.0m x 6.0m unobstructed with any car access opening being at least 2.4m wide free of any encroachment from jamb fittings and hinges.
- The side and rear boundary setbacks of the car parking space or garage must be a minimum of 2 metres from the wall of the garage or end of the car parking space area to the boundary.



## **DRIVEWAYS**

- If you are required to construct a driveway as part of your development, the following standards must be applied:
- The maximum gradient for a driveway is 15%.
- Driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter. They are not to interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
- On corner lots driveways are to be a minimum of 6 metres from the point of intersection of the two property boundaries.

## **PRIVACY AND SECURITY**

- Windows in a habitable room that allow an outlook to a habitable room in the adjoining property dwelling and are within 9 metres:
  - must be offset from the edge of one window to the edge of the other by a distance of 0.5 metres, or
  - must have sill heights of 1.7 metres above finished floor level, or
  - must have fixed obscure glazing in any part of the window below 1.7 metres above finished floor level.

## **THE BUILDING CODE OF AUSTRALIA**

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.



## CATEGORY THREE

**What:** CARPORTS AND GARAGES  
(Including ancillary works)



- When:**
1. The carport or garage is a single car or double car accommodation.
  2. The maximum size of the carport or garage is 6m x 6m.
  3. The carport or garage meets the specification of what is and is not complying development, as outlined in Section 2 of this Plan.
  4. Not carried out in a heritage conservation area, identified in the Ku-ring-gai Planning Scheme Ordinance.
  5. The carport or garage is constructed with a pitched roof only.
  6. Not erected in front of an existing dwelling or along a side street boundary of an existing dwelling.
  7. Not carried out in an environmentally sensitive area, identified in the Ku-ring-gai Planning Scheme Ordinance.

## SITING

- The front building setback requirements are 9 metres on the low side of the street, 12 metres on the high side or when level and 3.8 metres to the secondary frontage on a corner block.
- Where the established front building setbacks are in excess of these requirements, buildings shall observe the established setbacks of adjoining properties.
- The side boundary setbacks of the building must be a minimum of 2 metres from the wall of the building to the boundary.
- The rear boundary setbacks must be at least 8 metres, or the average minimum of rear setbacks of any similar structures on land each side of the subject property, whichever is the greater.

## BUILDING DESIGN, HEIGHT AND FORM

- External finishes are required to be compatible with any existing buildings located on the site. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.



- If carried out on sites prone to bushfire hazard, the new work shall comply with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.
- Any cut carried out on the site must not exceed 900mm in total.
- Any fill carried out must be contained within the finished floor level area of the carport or garage, and must be a maximum of 500mm in total.
- The finished floor level (FFL) for a slab on ground construction is to be a maximum of 300mm above the existing natural ground level.
- The finished floor level (FFL) for a timber floor construction is to be a maximum of 500mm above the existing natural ground level.
- The maximum height of the finished floor level (FFL) to the underside of the ceiling must not exceed 2.7 metres in height, or must match the existing building's finished floor level to ceiling height.
- The maximum ridgeline height is 3.6 metres and measured vertically at any point from the natural ground level to the ridge line.

## **DRAINAGE**

- Appropriate measures shall be taken to collect and dispose of any stormwater, in a manner which does not adversely effect any adjoining property.
- Stormwater is to be drained to the street gutter or to an existing drainage easement by gravity.
- Alternatively, the built-upon area\* as defined does not exceed 35%, and there is an on-site stormwater detention system provided, which complies with Council's DCP No. 47, draining to an on-site dispersal system designed by a consulting hydraulic engineer for the whole built-upon area.
- The drainage works must not be located beneath the canopy of any existing trees covered by Council's Tree Preservation Order.

## **LANDSCAPING/TREES**

- The building works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building.
- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.





- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.
- The building works must not be located within the dripline of any trees protected by Council's Tree Preservation Order.

### **OPEN SPACE**

- Not more than one third (1/3) of the front setback area is to be paved or sealed.

### **DRIVEWAYS**

- If you are required to construct a driveway as part of your development the following standards must be applied:
  - The maximum gradient for a driveway is 15%.
  - Driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter. They are not to interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
  - On corner lots driveways are to be a minimum of 6 metres from the point of intersection of the two property boundaries.

### **THE BUILDING CODE OF AUSTRALIA**

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.



## CATEGORY FOUR

**What:** DECKS, VERANDAHS, AWNINGS AND PERGOLAS  
(Including ancillary works)



- When:**
1. The deck, verandah, awning or pergola is a maximum of 20 square metres in gross floor area.
  2. It is free-standing or attached to a structure.
  3. It meets the specification of what is and is not complying development as outlined in Section 2 of this Plan.
  4. Carried out in a heritage conservation area, must be carried out behind the rear building alignment of the principal or main building on the site.
  5. Not carried out in an environmentally sensitive area, identified in the Ku-ring-gai Planning Scheme Ordinance.

## SITING

- The front building setback requirements are 9 metres on the low side of the street, 12 metres on the high side or when level and 3.8 metres to the secondary frontage on a corner block.
- Where the established front building setbacks are in excess of these requirements, buildings shall observe the established setbacks of adjoining properties.
- The minimum setback from any other side property boundary is to be 2 metres.
- The rear boundary setbacks must be at least 8 metres, or the average minimum of rear setbacks of any similar structures on land each side of the subject property, whichever is the greater.

## BUILDING DESIGN, HEIGHT AND FORM

- The maximum gross floor area is 20m<sup>2</sup>.
- The structure may be roofed or unroofed.
- External finishes are required to be compatible with any existing buildings located on the site. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.



- If carried out on sites prone to bushfire hazard, the new work shall comply with Australian Standard AS3959 - Construction of Buildings in Bushfire Prone Areas.
- The structure must be located at ground floor level.
- The maximum height of the finished floor level is to be 500mm above the existing natural ground level.
- Any fill carried out on the subject site must be contained within the footprint of the structure and not exceed 500mm in total.
- The roof height must not exceed 2.7 metres above the finished floor level.
- A privacy screen can be erected around the perimeter with a maximum height of 2 metres from the finished floor level of the deck, verandah, awning, pergola. The screen must be constructed of lattice or timber material only.

## **DRAINAGE**

- Appropriate measures shall be taken to collect and dispose of any stormwater, in a manner which does not adversely effect any adjoining property.
- Stormwater is to be drained to the street gutter or to an existing drainage easement by gravity.
- Alternatively, the built-upon area\* as defined does not exceed 35%, and there is an on-site stormwater detention system provided, which complies with Council's Stormwater Management Policy draining to an on-site dispersal system designed by a consulting hydraulic engineer for the whole built-upon area.
- The drainage works must not be located beneath the canopy of any existing trees covered by Council's Tree Preservation Order.

## **LANDSCAPING/TREES**

- The building works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building.
- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.
- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.



- The building works must not be located within the dripline of any trees protected by Council's Tree Preservation Order.
- The entire front setback area shall be of pervious landscape. The only areas which are not required to be pervious are the driveway and pathways to and around the dwelling. Pathways are not to exceed 900mm in width.

### **OPEN SPACE**

- Not more than one third (1/3) of the front setback area is to be paved or sealed.

### **DRIVEWAYS**

- If you are required to construct a driveway as part of your development the following standards must be applied:
  - The maximum gradient for a driveway is 15%.
  - Driveways are to be a minimum of 500mm clear of all drainage structures on the kerb and gutter. They are not to interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
  - On corner lots driveways are to be a minimum of 6 metres from the point of intersection of the two property boundaries.

### **THE BUILDING CODE OF AUSTRALIA**

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.



## CATEGORY FIVE

**What:** SWIMMING POOLS AND SPAS  
(Including ancillary works)

- When:**
1. The swimming pool or spa has a maximum capacity of 50,000 litres.
  2. The maximum water surface area is 40m<sup>2</sup>.
  3. The swimming pool or spa is located in the rear yard only.
  4. The swimming pool or spa meets the specification of what is an is not Complying Development as outlined in Section 2 of this Plan.



## SITING

- The minimum setback shall be 2 metres from the outside coping edge of the swimming pool or spa to any side or rear property boundary.

## BUILDING DESIGN

- The maximum water surface area shall be 40m<sup>2</sup>.
- The maximum projection of the pool or spa above the existing natural ground level shall be 500mm for in ground pools, and a maximum of 1.5 metres for an above ground pool construction.
- The pool fencing and ancillary items shall be installed in accordance with the provisions of AS 1926.2 - 1995 - Swimming Pool Safety - Location of fencing for private swimming pools.
- The installation and construction of the pool complies, where relevant, with:
  - a. AS/NZS 1838:1994 - Swimming Pools - Premoulded fibre-reinforced plastics - Design and Fabrication, and AS/NZS 1839:1994 - Swimming Pools - premoulded fibre-reinforced plastics - Installation, or
  - b. AS 2783-1992 - Use of reinforced concrete for small swimming pools.
- Pool or spa equipment must be encased in an acoustic enclosure, so that there is a maximum noise increase of 5dBA above the ambient background level, when measured at any property boundary of the subject site.
- The coping surrounding the pool or spa shall be a maximum height of 500mm above the existing natural ground level.
- The swimming pool or spa must not be enclosed or roofed.



## **DRAINAGE AND WASTEWATER**

- The areas surrounding the structure shall be graded to divert surface water to a surface water collection point\* and clear of the proposed structures and adjoining premises.
- All pool or spa wastewater shall be disposed of, to an approved sewerage system. A Section 73 Compliance Certificate will need to be obtained from Sydney Water in order to dispose of non-residential pool wastes in this way.
- The pool or spa structure shall not divert stormwater onto adjacent properties.

## **LANDSCAPING/TREES**

- The building works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building.
- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.
- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.
- The pool or spa structure must not be located within the dripline of any trees protected by Council's Tree Preservation Order.
- Exposed external surfaces of the pool or spa is to be screen landscaped.

## **ACOUSTIC PRIVACY**

- The swimming pool or spa must be located a minimum distance of 6 metres from a window or door to a habitable room on an adjoining residential property.

## **THE BUILDING CODE OF AUSTRALIA**

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.

### **NOTE:**

The Swimming Pool Act 1992 and the Swimming Pools Regulation 1998 must also be complied with.



## CATEGORY SIX

**What:** MINOR OUTBUILDINGS  
(Including ancillary works)

- When:**
1. The outbuildings are garden sheds, greenhouses and similar buildings.
  2. The maximum floor area of the outbuilding is 15m<sup>2</sup>.
  3. The outbuilding meets the specification of what is and what is not complying development, as outlined in Section 2 of this Plan.
  4. Carried out in a heritage conservation area, must be carried out behind the rear building alignment of the principal or main building on the site.



## SITING

- The front building setback requirements are 9 metres on the low side of the street, 12 metres on the high side or when level and 3.8 metres to the secondary frontage on a corner block.
- Where the established front building setbacks are in excess of these requirements, buildings shall observe the established setbacks of adjoining properties.
- The side and rear boundary setbacks of the building must be minimum of 2 metres from the wall of the building to the boundary.

## BUILDING DESIGN, HEIGHT AND FORM

- The maximum gross floor area is 15m<sup>2</sup>.
- External finishes are required to be compatible with any existing buildings located on the site. In this regard, colours are to be carefully selected from the colour palette contained in Appendix 2 of the Plan.
- Any cut carried out on the subject site must not exceed 900mm in total.
- Any fill carried out must be contained within the external walls of the additional floor area, and must be a maximum of 500mm in total.
- The finished floor level (FFL) of the structure at any point, shall be no greater than 500mm above the existing natural ground level.
- The maximum finished floor level (FFL) to the underside of the ceiling must not exceed 2.7 metres in height.



## **DRAINAGE**

- Appropriate measures shall be taken to collect and dispose of any stormwater, in a manner which does not adversely effect any adjoining property.
- Stormwater is to be drained to the street gutter or to an existing drainage easement by gravity.
- Alternatively, the built-upon area\* as defined does not exceed 35%, and there is an on-site stormwater detention system provided, which complies with Council's Stormwater Management Policy draining to an on-site dispersal system designed by a consulting hydraulic engineer for the whole built-upon area.
- The drainage works must not be located beneath the canopy of any existing trees covered by Council's Tree Preservation Order.

## **LANDSCAPING/TREES**

- The building works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building.
- The proposed building works, including excavation and fill, do not require the removal of any trees protected by Council's Tree Preservation Order, and does not encroach into the canopy spread of any protected tree on a subject or adjoining property.
- No protected tree under Council's Tree Preservation Order shall be within 5 metres of any part of the building or associated works.
- The building works must not be located within the dripline of any trees protected by Council's Tree Preservation Order.

## **THE BUILDING CODE OF AUSTRALIA**

- All aspects of the structure shall comply with the deemed to satisfy provisions of the Building Code of Australia. The requirements include site preparation, footings and slabs, masonry construction, framing, roof and wall cladding, glazing, fire safety, health and amenity, safe movement and access.





## CATEGORY SEVEN

**What:** COMMERCIAL PREMISES  
*CHANGES OF USE AND INTERNAL ALTERATIONS*

**When:**

1. The change of use is from one retail or commercial use to another retail or commercial use.
2. The internal alterations are for shop fitout works only.
3. The change of use is not to a food shop.
4. The change of use and internal alterations meets the specification of what is and what is not complying development, as outlined in Section 2 of this Plan.



- The external configuration of the building shall not be altered. For example there shall be no increase in window, door, wall or roof sizes. Unless the alterations fall under exempt or complying development work as identified in this DCP.
- No increase in floor area of the building.
- The new use must replace a previous use approved in a development consent.
- The new use must be a conforming use and permissible in the zone.
- The work complies with the deemed to satisfy provisions of the Building Code of Australia.
- The changes must not result in a reduction to the existing car parking levels or landscaping.
- The new use must not generate additional car parking requirements.
- The new use or internal alterations must not create any additional shops.



## CATEGORY EIGHT

**What:** EXTERNAL ALTERATIONS TO SHOPFRONTS AND AWNINGS



**When:**

1. The alterations are for the purpose of a new or replacement shopfront or window, or a new or replacement awning.
2. The alterations are carried out at ground floor level or awning level only.
3. The alterations meet the specification of what is and what is not Complying Development, as outlined in Section 2 of this Plan.

- No increase in floor area of the building.
- The work complies with the deemed to satisfy provisions of the Building Code of Australia.
- The changes must not result in a reduction to the existing car parking levels or landscaping.
- The work must be carried out at awning or ground floor level only.
- The external alterations to shopfronts must not encroach beyond the boundaries of the subject site.
- Colours for the external finishes should be selected with reference to the local business centre agreed colour scheme palette.



## CATEGORY NINE

**What:** ADVERTISING SIGNS

- When:**
1. The advertising sign complies with clauses 9,10,11,12,13,14 and Item 1 of "Specific Requirements Relating to Advertising Structures" of DCP 28 - Outdoor Advertising.
  2. The advertising sign meets the specification of what is and what is not Complying development, as outlined in Section 2 of this Plan.



## GENERAL REQUIREMENTS

- The advertising sign must comply with the relevant standards and requirements for the specific type of sign, as identified in DCP No. 28 - Advertising Signs.
- Must be permissible in the zone.
- The structure must comply with the numerical standards of Development Control Plan No.28 - Advertising Signs.

## BUSINESS CENTRES

- Must be at or below awning level only.
- Must not be an upper fascia sign.

## HIGH RISE/CORPORATE CENTRES

- No illuminated signs are permitted.
- Must be a corporate logo sign and must be erected on only one frontage of the building.

## SERVICE STATIONS

- Maximum of one sign per site.
- No illuminated signs are permitted.
- No pole signs are permitted.

## TEMPORARY SIGNS - REAL ESTATE SIGNS

- No illuminated signs are permitted.
- Must not be erected on public property.



- Only one sign per real estate company can be erected on any frontage of any premises.
- The signage must be erected within the confines of the property to which it refers.
- All signs are to be removed from the property within ten (10) days of sale or auction of the property.

#### **ADVERTISING SIGNS REQUIRING DEVELOPMENT CONSENT**

- The following advertising signs require development consent:

Pole or pylon signs.

Projecting wall signs (horizontal and vertical).

Illuminated signs.



## CATEGORY TEN

**What:** BUS SHELTERS

**When:** 1. The bus shelter does not and will not contain any advertising signs.

2. The bus shelter meets the specification of what is and what is not Complying Development, as outlined in Section 2 of this Plan.

- The structure must comply with the deemed to satisfy provisions of the Building Code of Australia.
- All necessary referrals and approvals from other relevant authorities must be obtained, prior to construction.



## CATEGORY ELEVEN

**What:** DEMOLITION



- When:**
1. The structure to be demolished is being replaced with a structure that is identified as a Complying Development under this Plan.
  2. The demolition work meets the specifications of what is and what is not Complying Development as outlined in Section 2 of this Plan.
  3. Not carried out in a heritage conservation area, identified in the Kuring-gai Planning Scheme Ordinance.
- Demolition is not Complying Development where asbestos cement or fibres are existing and identified in the structure proposed to be demolished.
  - Demolition must be carried out to the Australian Standard AS 2601-1999: The Demolition of Structures.
  - Where asbestos is discovered as a matter of course during the demolition process, any works must comply with "Asbestos: Code of Practice and Guidance Notes" produced by Work Safe Australia. Disposal of asbestos contaminated waste must be in compliance with "Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes" produced by the NSW Environment Protection Authority.
  - Lead can affect the health of all people but fetuses, pregnant women and children under the age of four are most at risk. There are a number of sources of lead which may be disturbed during demolition including:
    - Lead paint, most Australian homes built before 1970 contain lead paint;
    - Lead contaminated dust, in ceiling cavities, behind walls and between or under floorboards this dust comes from (car exhausts, previous renovations in the house or nearby, industrial pollution, etc);
    - Sheet lead, used in older houses and is still used now, though to a lesser extent;
    - Lead flashing, weather proofing gaps around windows, doors and chimneys.
  - Any work involving lead paint removal must not cause lead contamination of air, soil or water must comply with "Lead Safe: A Renovators Guide to the Dangers of Lead" (EPA, 1998).



- The demolition of any structure as a Complying Development must comply with Council's DCP No. 40.
- The demolition works do not require the removal of any trees protected by Council's Tree Preservation Order and no protected trees are less than 5 metres from any part of the building/structure that is to be demolished.
- The maximum area of the structure to be demolished is 35m<sup>2</sup>.



## CATEGORY TWELVE

**What: SPECIAL EVENTS**



- When:**
1. The special event is carried out for any of the following purposes: concert, circus, special public event, charity event, fairs, festivals, markets, exhibitions and major sporting events.
  2. A maximum of 1,000 people will attend the special event.
- The event must not be held on any commercial land or land used for the purpose of car parking.
  - The event does not require the closure or partial closure of any public road.
  - The event must be held during daylight hours only, but not commencing earlier than 8.00am and not ceasing later than 6.00pm in any case.





## CATEGORY THIRTEEN

### What: FRONT FENCES



- When:**
1. The maximum height of the fence is 1.2m from the existing natural ground level to the top of the fence, and if of transparent design and construction (pickets, bars or other see-through type).
  2. The maximum height of the fence is 900mm from the existing natural ground level to the top of the fence, and if of non-transparent design and constructed of timber, metal or light weight materials.
  3. 60% or more of the properties in the subject street have an existing approved front fence erected.
  4. Not carried out in a heritage conservation area, identified in the Ku-ring-gai Planning Scheme Ordinance.
- If the erection of front fences is discouraged by the Ku-ring-gai Visual Character Study, namely in areas classified in the 1945-1968 and Post 1968 Periods, the erection of a front fence in these areas will not be a Complying Development and hence will require the submission of a Development Application to Council.



# SCHEDULE 3 - COMPLYING DEVELOPMENT

## CONDITIONS OF CONSENT

### CATEGORY 1 - ALTERATIONS/ADDITIONS TO DWELLINGS



1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Ku-ring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.

Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.



6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The building is not to be used for the purpose of any trade, industry or manufacture as such would contravene the provisions of the Ku-ring-gai Planning Scheme Ordinance, 1971.



13. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
14. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
15. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
16. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

17. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
18. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.



- b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.
  - d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.
19. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
20. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
21. The Principal Certifying Authority shall obtain Survey Certificates from a registered surveyor at the following stages:-
- To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
22. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.



23. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
- a. Preserve and protect such building from damage; and
  - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

24. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer. This does not apply to work complying with AS2870, Residential Slabs and Footings, AS1684, National Timber Framing Code and AS 4055-1992, Wind Loads For Housing Code for which the Accredited Certifier shall issue a Compliance Certificate on completion of the works.
25. For the purpose of health and amenity all areas below finished ground level shall be damp-proofed so as to prevent the entry of moisture through walls or floors to the satisfaction of the Principal Certifying Authority.
26. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
27. So as to dispose of smoke, odours and exhaust gases in a satisfactory manner the ducting from kitchen exhaust hoods and the like shall not terminate in the roof space or wall cavity, but shall be ducted to discharge outside the building.
28. For the purpose of water conservation all new water closets installed within the building are to have a AAA dual flush cistern with a capacity of 6/3 litres.
29. For purpose of water conservation all shower heads are to be fitted with AAA rated water flow devices giving a maximum flow rate of 9 metres per minute.
30. For the purpose of energy efficiency and child safety all new hot water systems shall deliver hot water at a maximum 50°C at the outlet of all sanitary fixtures.



31. To awaken sleeping people and to give adequate warning to evacuate the dwelling in the event of a fire an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

32. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control and only physical barriers shall be approved by the Principal Certifying Authority. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

33. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.



34. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
35. Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Infrastructure Department where applicable prior to any building operations. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

36. To ensure ease of access to the subject property where necessary, the applicant shall cause a gutter crossing to be constructed at the entrance driveway of the allotment prior to use or occupation of the building where applicable. Application and payment of fees shall be made with Council's Department of Infrastructure.
37. Any on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.
38. Construction of any on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
  - a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.





A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.

39. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measure shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

40. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
41. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
42. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
43. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
44. The applicant shall ensure that all underground services (ie water, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issuing the Final Compliance Certificate.



45. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in Council's Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional. Tree planting shall be completed prior to the issuing of the Final Compliance Certificate.

The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

46. Screen planting is required along any boundary where the additions to the dwelling is adjacent to the outdoor recreation area of the neighbouring property. Plant species should be capable of attaining a height of 2 - 3 metres. Plants shall be used from the list of "Suitable Screen Plants" included in Council's Landscape guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.
47. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Work Cover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with. Contaminated waste must be disposed of in accordance with the NSW Environment Protection Authority "Environmental Guidelines: Assessment, Classification and Management of Liquid Wastes."
48. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance.
49. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.
50. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 2 – SINGLE STOREY DWELLING HOUSES

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Ku-ring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.



Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the



value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All building works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The building is not to be used for the purpose of any trade, industry or manufacture as such would contravene the provisions of the Ku-ring-gai Planning Scheme Ordinance, 1971.
13. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.



14. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
15. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
16. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

17. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
18. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.



- d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.
19. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
20. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
21. For identification purposes a house number is to be clearly displayed on completion of the building.
22. The Principal Certifying Authority shall obtain Survey Certificates from a registered surveyor at the following stages:-
- Set out upon completion of the footings, prior to the external wall construction proceeding above floor level confirming the approved building setbacks.
  - At floor level prior to concrete or cladding if timber, confirming the approved future finished floor level.
  - To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
23. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.



24. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
- a. Preserve and protect such building from damage; and
  - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

25. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer. This does not apply to work complying with AS2870, Residential Slabs and Footings, AS1684, National Timber Framing Code and AS 4055-1992, Wind Loads For Housing Code for which the Accredited Certifier shall issue a Compliance Certificate on completion of the works.
26. For the purpose of health and amenity all areas below finished ground level shall be damp-proofed so as to prevent the entry of moisture through walls or floors to the satisfaction of the Principal Certifying Authority.
27. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
28. So as to dispose of smoke, odours and exhaust gases in a satisfactory manner the ducting from kitchen exhaust hoods and the like shall not terminate in the roof space or wall cavity, but shall be ducted to discharge outside the building.
29. For the purpose of water conservation all new water closets installed within the building are to have a AAA dual flush cistern with a capacity of 6/3 litres.
30. For purpose of water conservation all shower heads are to be fitted with AAA rated water flow devices giving a maximum flow rate of 9 metres per minute.
31. For the purpose of energy efficiency and child safety all new hot water systems shall deliver hot water at a maximum 50°C at the outlet of all sanitary fixtures.



32. To awaken sleeping people and to give adequate warning to evacuate the dwelling in the event of a fire an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

33. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control and only physical barriers shall be approved by the Principal Certifying Authority. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

34. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.





35. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
36. Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Infrastructure Department prior to any building operations. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

37. To ensure ease of access to the subject property where necessary, the applicant shall cause a gutter crossing to be constructed at the entrance driveway of the allotment prior to use or occupation of the building. Application and payment of fees shall be made with Council's Department of Infrastructure.
38. The on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.
39. Construction of the on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
  - a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.

A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.



40. A plan and specification of the landscape works for the site shall be submitted to the Principal Certifying Authority for approval prior to completion of construction works. The landscape plan shall comply with the standards detailed in Council's "Landscape Guidelines for Complying Development". The use of a qualified Landscape Architect and/or Landscape Designer to prepare a landscape plan is required.
41. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
42. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
43. The applicant shall ensure that all underground services (ie water, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issuing the Final Compliance Certificate.
44. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in Council's Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional. Tree planting shall be completed prior to the issuing of the Final Compliance Certificate.

The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

45. Screen planting is required along any boundary where the external wall of the dwelling is adjacent to the outdoor recreation area of the neighbouring property. Plant species should be capable of attaining a height of 2 - 3 metres. Plants shall be used from the list of "Suitable Screen Plants" included in Council's Landscape guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and completed prior to the



issue of the Final Certificate of Compliance and be maintained in good condition.

46. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the WorkCover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with. Contaminated waste must be disposed of in accordance with the NSW Environment Protection Authority "Environment Guidelines: Assessment, Classification and Management of Liquid Wastes".
47. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance.
48. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.
49. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measure shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

50. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.



51. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
52. All of the relevant prescribed conditions of approval detailed in Schedule 4.



### CATEGORY 3 - CARPORTS AND GARAGES

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Ku-ring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.



Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to



arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The building is not to be used for the purpose of any trade, industry, manufacture or habitable purposes as such would contravene the provisions of the Ku-ring-gai Planning Scheme Ordinance, 1971.
13. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.



14. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
15. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
16. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

17. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
18. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.



- d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.
19. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
20. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
21. The Principal Certifying Authority shall obtain a Survey Certificate from a registered surveyor at the following stage:-
- To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
22. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
23. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
- a. Preserve and protect such building from damage; and
  - b. If necessary, underpin and support such building in an approved manner.





The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

24. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer. This does not apply to work complying with AS2870, Residential Slabs and Footings, AS1684, National Timber Framing Code and AS 4055-1992, Wind Loads For Housing Code for which the Accredited Certifier shall issue a Compliance Certificate on completion of the works.
25. For the purpose of health and amenity all areas below finished ground level shall be damp-proofed so as to prevent the entry of moisture through walls or floors to the satisfaction of the Principal Certifying Authority.
26. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
27. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control and only physical barriers shall be approved by the Principal Certifying Authority. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

28. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of



the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.

29. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
30. Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Infrastructure Department where applicable prior to any building operations. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

31. To ensure ease of access to the subject property where necessary, the applicant shall cause a gutter crossing to be constructed at the entrance driveway of the allotment prior to use or occupation of the building where applicable. Application and payment of fees shall be made with Council's Department of Infrastructure.
32. Any on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.
33. Construction of any on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
  - a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.



A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.

34. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measures shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

35. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
36. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
37. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
38. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
39. Screen planting is required along boundaries adjacent to the carport. Plant species should be capable of attaining a height of 2 - 3 metres. Plants shall be used from Council's list of "Suitable Screen Plants" included in the Landscape guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.



40. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in the Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional. Tree planting shall be completed prior to the issuing the Final Compliance Certificate.

The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

41. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.
42. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 4 - DECKS, VERANDAHS, AWNINGS AND PERGOLAS

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Ku-ring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.



- a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
- b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.

Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to



arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
13. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.



14. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
15. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

16. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
17. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.
  - d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).



- f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.
18. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
  19. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
  20. The Principal Certifying Authority shall obtain a survey certificate from a registered surveyor at the following stage:-
    - To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
  21. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
  22. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
    - a. Preserve and protect such building from damage; and
    - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of





land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

23. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer. This does not apply to work complying with AS2870, Residential Slabs and Footings, AS1684, National Timber Framing Code and AS 4055-1992, Wind Loads For Housing Code for which the Accredited Certifier shall issue a Compliance Certificate on completion of the works.
24. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
25. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control and only physical barriers shall be approved by the Principal Certifying Authority. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

26. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.
27. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
28. Any on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater



Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.

29. Construction of any on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
- a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.

A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.

30. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measure shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

31. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
32. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.



33. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
34. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
35. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in the Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional. Tree planting shall be completed prior to the issuing the Final Compliance Certificate.

The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

36. Screen planting is required along boundaries adjacent to the deck or verandah. Plant species should be capable of attaining a height of 2 - 3 metres and can include existing planting. Plants shall be used from the list of "Suitable Screen Plants" included in Council's Landscape guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.
37. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.
38. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 5 - SWIMMING POOLS AND SPAS

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Kuring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.



Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to



arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The pool or spa is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All building works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
13. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.



14. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
15. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

16. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
17. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. All reinforcement prior to the pour of concrete.
  - d. Fencing prior to the pool or spa being filled with water.
  - e. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - f. The completed structure.



18. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
19. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
20. The Principal Certifying Authority shall obtain a survey certificate from a registered surveyor at the following stage:
  - To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
21. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
22. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
  - a. Preserve and protect such building from damage; and
  - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.
23. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer.
24. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of



the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.

25. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
26. Any on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.
27. Construction of any on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
  - a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.

A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.

28. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measure shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.





All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

29. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
30. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
31. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
32. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
33. The applicant shall ensure that all underground services (ie water, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issuing the Final Compliance Certificate.
34. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in the Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional. Tree planting shall be completed prior to the issuing the Final Compliance Certificate.


The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.



35. Screen planting is required along boundaries adjacent to the pool or spa. Plant species should be capable of attaining a height of 2 - 3 metres and can include existing plantings. Plants shall be used from the list of "Suitable Screen Plants" included in Council's Landscape Guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.
36. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.
37. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 6 - MINOR OUTBUILDINGS

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Kuring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.

Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to



arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

7. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
8. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
9. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
10. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
11. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
12. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
13. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.



14. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
15. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

16. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
17. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.
  - d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).



- f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.
18. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
  19. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
  20. The Principal Certifying Authority shall obtain a survey certificate from a registered surveyor at the following stage:
    - To ensure compliance with Council's maximum built upon area requirements, a survey certificate prepared by a registered surveyor must be submitted to Council which demonstrates that the maximum built upon area of the subject site does not exceed 50% of the total site area after the completion of the development.
  21. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
  22. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
    - a. Preserve and protect such building from damage; and
    - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of



land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

23. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer. This does not apply to work complying with AS2870, Residential Slabs and Footings, AS1684, National Timber Framing Code and AS 4055-1992, Wind Loads For Housing Code for which the Accredited Certifier shall issue a Compliance Certificate on completion of the works.
24. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
25. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

Council has a non chemical policy for termite control and only physical barriers shall be approved by the Principal Certifying Authority. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

26. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the required building setback. It is the onus of the applicant to consult with Sydney Electricity prior to construction commencing to ensure that direct connection to the building is possible.
27. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.
28. Any on-site stormwater detention system shall be designed by a qualified hydraulic engineer in accordance with requirements of Council's Stormwater



Management Policy. A Compliance Certificate is to be issued in respect of the design and submitted to Council upon the issue of the Occupation Certificate.

29. Construction of any on-site detention system is to be supervised and upon completion, a Compliance Certificate is to be issued with respect to:
- a. The soundness of the structure.
  - b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
  - c. The capacity of the detention storage as specified.
  - d. The size of the orifice or pipe control fitted.
  - e. The maximum depth of storage over the outlet control.
  - f. The adequate provision of a debris screen.
  - g. The inclusion of weepholes in the base of the outlet control pit.
  - h. The provision of an emergency overflow path.

A copy of the Certificate shall be submitted to the Council upon the issue of an Occupation Certificate.

30. Adequate measures shall be installed on site to minimise the processes of soil erosion and maintain water quality. The measure shall be in accordance with DCP No. 47. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to the commencement of earthworks. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

All sedimentation and silt control measures shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

31. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
32. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.





33. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except exempted species) without prior written consent of Council is prohibited.
34. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree located on the subject allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where tree protection fencing is required, it shall be constructed of star pickets and connected by three strands of 2mm wire at 300mm spacings to a height of 1.5 metres as a minimum standard.
35. The applicant shall ensure that all underground services (ie water, sewerage, drainage and gas) shall not be laid beneath the canopy of any tree located on the allotment, in the adjoining allotments or on Council's nature strip and protected under Council's Tree Preservation Order. Where no alternative route can be used to avoid trees, a qualified Arborist shall be consulted regarding the appropriate methods of carrying out this work and shall be present while the work is being carried out. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issuing the Final Compliance Certificate.
36. The property shall support a minimum number of trees that will attain 13.0 metres in height on the site, in accordance with "Tree Replenishment" nominated in the Landscape Guidelines for Complying Development. A list of trees which satisfy this requirement are included in the Guidelines and the proposed location of the new trees should be approved by a suitably qualified professional.. Tree planting shall be completed prior to the issuing the Final Compliance Certificate.

The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

37. Screen planting is required along boundaries adjacent to the outbuilding. Plant species should be capable of attaining a height of 2 - 3 metres and can include existing plantings. Plants shall be used from the list of "Suitable Screen Plants" included in Council's Landscape Guidelines for Complying Development. The proposed planting shall be approved by a suitably qualified professional and be completed prior to the issue of the Final Certificate of Compliance and be maintained in good condition.
38. For the purposes of ensuring fill material is not contaminated, the owner shall provide a statutory declaration stating that any imported fill material is "virgin excavated natural material" as defined in the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-



Liquid Wastes.' the declaration and any supporting data must be submitted to Council or the Principal Certifying Authority within one working day of receiving the fill on site land prior to any works being carried out on top of the fill.

39. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 7 - COMMERCIAL PREMISES - CHANGES OF USE AND INTERNAL ALTERATIONS

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Ku-ring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.



- a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
- b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.

Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building



materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

7. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
8. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
9. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
10. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
11. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
12. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
13. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
14. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking



machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

15. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
16. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.
  - d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.



17. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
18. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
19. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer.
20. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
21. The following commercial or retail premises must obtain a Section 73 Compliance Certificate from Sydney Water for trade waste purposes, prior to occupation of the premises:  
  
Commercial laundry, Dry Cleaners, Photographic Processing, Veterinary Surgeons.
22. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 8 - EXTERNAL ALTERATIONS TO SHOPFRONTS AND AWNINGS

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Kuring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.



- a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
- b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.

Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building



materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

7. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
8. The building is not to be used or occupied until an Occupation Certificate has been issued by the Principal Certifying Authority.
9. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
10. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
11. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
12. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
13. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
14. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking





machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

15. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
16. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
  - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes (if pier holes are required to accommodate components of this structure).
  - c. Any foundation material before the placement of any component of this structure.
  - d. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - e. All reinforcement of floors, slabs, columns, beams and stairs (if components of this structure).
  - f. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - g. Wet area damp-proofing and flashing before covering.
  - h. Any drainage lines including any agricultural subsoil drainage lines (if these are a component of this project) prior to any covering or filling.
  - i. The completed landscape works in accordance with the approved plans.
  - j. The completed structure.



17. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
18. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
19. A copy of all Compliance Certificates shall be forwarded to Council with the Occupation Certificate.
20. Where an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the Principal Certifying Authority shall ensure the person causing the excavation shall, at their own expense:
  - a. Preserve and protect such building from damage; and
  - b. If necessary, underpin and support such building in an approved manner.

The person causing the excavation referred to in sub-condition (a) shall, seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of their intention to do so to the owner of the adjoining allotment of land and shall, at the same time, furnish to such owner particulars of the work they propose to do.

A copy of the letter is to be submitted to the Principal Certifying Authority for evidence of compliance with the above condition prior to commencement of excavation.

21. All reinforced concrete work, wind bracing, structural timber or steel shall be designed by a qualified practising Structural Engineer.
22. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
23. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
24. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 9 - ADVERTISING SIGNS

1. A Compliance Certificate being issued on completion of the sign and submitted to Council.
2. The triennial inspection fees being paid to Council prior to the issue of the Complying Development Certificate.
3. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 10 - BUS SHELTERS

1. A Compliance Certificate being issued on completion of the structure and submitted to Council.
2. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 11 - DEMOLITION

1. All demolitions shall be carried out in a safe and responsible manner with minimal harm to the surrounding and natural environment and under the supervision of a competent person.
2. All demolitions are to be carried out in accordance with the guidelines contained in Australian Standard AS 2601-1991: The Demolition of Structures.
3. The provisions of the Construction Safety Act 1912, as amended, and Regulations thereto (Part C Demolition of Building and Structures) shall be complied with at all times during the demolition process and such provisions shall prevail and take precedence over Council's requirements where any conflict occurs.
4. Access to demolition sites shall be protected by the use of fences or hoardings.
5. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 7.00am to 1.00pm. Sundays and Public Holidays: Not Permitted.
6. Noise is to be controlled on demolition sites in accordance with the Ku-ring-gai Council Code for the Control and Regulation of Noise on Building Sites. (NOTE WELL: Noise: Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of demolition and completion of the works).
7. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down;in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any



building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

8. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
9. Erosion control measures shall be provided on demolition sites as directed by the Principal Certifying Authority to prevent the siltation of watercourses and drainage systems.
10. Temporary construction exits, to reduce or eliminate the transport of sediment from a demolition site onto public roads shall be provided before demolition commences where directed by the Principal Certifying Authority.
11. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments off the site into any street gutter or street drainage system.
12. All combustible material arising on the site during the demolition of a building shall be removed from the site on a daily basis. Demolition material shall not be burnt on the site.
13. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safely stockpiled and not likely to become a harbourage for vermin.
14. The lighting of fires or burning of rubbish and demolition materials is prohibited.
15. In the case of partial demolition, where an existing wall of building is to be retained for use in a remodelled building, such walls shall be strutted in an approved manner.
16. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to comply with "Lead Safe: A Renovators Guide to the Dangers of Lead" (EPA, 1998).
17. It is a condition of approval that the applicant shall obtain Public Liability Insurance Policy Cover for this demolition project for the sum of \$5 million and shall maintain that Policy for the duration of the work. A Certificate of Currency



shall be submitted to the Principal Certifying Authority prior to demolition commencing.

18. Submit to the Principal Certifying Authority photos of existing structures that are to be demolished and vegetation on the site. This photographic record is to be forwarded to Council for record keeping purposes.
19. It is a condition of approval that the applicant or builder/developer will be held responsible for and liable for the cost of making good any damage that may be caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing any thing to which the approval relates. "Council property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves on any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" already lodged with the Council. This undertaking by the Council does not absolve the applicant or builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety of public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
20. If the site is currently used for the purposes of residential, educational institution, or child care, lead contaminated waste must be packaged and separated from other wastes. This waste can be disposed of at Class 1 or 2 landfill. Alternatively, if the material is to be sold or recycled, it must be adequately treated.
21. If the site is currently used for purposes other than the above, and the waste is not concentrated it can be treated or disposed of to Class 1 or 2 landfill. Waste must be covered during transport. Concentrated wastes such as those from grit blasting, chemical stripping, sanding dust etc. are classified as hazardous waste. For information concerning the disposal of hazardous waste contact Council or the NSW Environment Protection Authority.
22. All of the relevant prescribed conditions of approval detailed in Schedule 4.



## CATEGORY 12 - SPECIAL EVENTS

1. A written notice of the proposed event must be given to Council advising of the following information: Time, date and nature of the event; estimates of the number of people anticipated to attend; the arrangements and measures being put in place for traffic management, crowd control, temporary building, provision of sanitary and waste facilities, and food vending provisions.
2. All alcohol free zones in the Ku-ring-gai municipality must be observed and adhered to.
3. If the special event is being carried out on Council owned property, the proposed venue must be formally booked with Ku-ring-gai Council and all relevant fees must be paid.
4. Adequate provision must be made for the collection and disposal of waste and recyclable materials by an authorised trade waste contractor.
5. Adequate provision must be made for sanitary facilities for staff and patrons.
6. Temporary food premises, stalls and mobile vendors are to comply with Council's code for temporary food premises.
7. Any temporary structures used must be structurally sound and capable of withstanding the loadings likely to arise from the use.
8. Written notice of the special event must be given to Council, 7 days prior to the event, and advising of the time, date and type of event, and number of people anticipated to attend.
9. Written notice of the special event must be given to any residential properties within a 500m radius of the land where the event is proposed to be held, and advising of the time, date and type of event, 7 days prior to the event.
10. All the relevant prescribed conditions of approval detailed in Schedule 4.





## CATEGORY 13 - FRONT FENCES

1. The prescribed fee for the Sydney Water Approval Process is to be paid to either Sydney Water or Kuring-gai Council as agent prior to construction commencing. Sydney Water or Council will assess the proposal to ensure that the proposed structure meets the Corporation's By-Laws and shall stamp the plans according to those requirements. The terms of the stamps applied to the plans are to be complied with.
  - a. Where a Sewer Location Form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.
  - b. Where an Indemnity form is to be completed this form shall be completed and returned to Sydney Water or the Council prior to construction commencing.



Where the applicant proposes to pay the fee direct to the Sydney Water and to deal with that authority, prior to the commencement of any work, the plans accompanying the Complying Development Certificate are to be submitted to the Sydney Water Corporation to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit the plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

2. The Long Service Levy is to be paid to Council as agent in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Complying Development Certificate.
3. The works approved with the Complying Development Certificate, once commenced, shall be completed within two (2) years from the date of commencement.
4. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
5. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Council as agent for endorsement of the plans accompanying the Complying Development Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$5,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the Home Building Act 1989. The



requirements for the Builder's Indemnity Insurance does not apply to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

6. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council before the issue of the Complying Development Certificate. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the issue of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
7. You are required to advise Council of the appointment of the Principle Certifying Authority prior to the commencement of any works on the site.
8. The Principal Certifying Authority shall issue a Compliance Certificate on completion of the works and a copy shall be submitted to Council.
9. All buildings works are to comply with the Building Code of Australia and a Compliance Certificate shall be submitted to Council with the Occupation Certificate.
10. The works shall be erected in conformity with the conditions of the Complying Development Certificate. Alterations, modification or variations to the plans or specifications requires the prior Principal Certifying Authority to issue a new Complying Development Certificate prior to any changes being erected.
11. For the purpose of ensuring compliance with the terms of the approval, a copy of the plans, specifications and Complying Development Certificate shall be kept on site at all times, during the construction works period only.
12. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.



13. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

14. For the purpose of residential amenity, Council's Code for the Control and Regulation of Noise on Building Sites shall be complied with at all times during the course of construction and completion of this building and ancillary works. The Principal Certifying Authority must draw to the attention of the owner, builder and contractors, the requirements contained within the Code, a copy of which should be obtained from Council's Department of Development Control.
15. The building works are to be inspected during construction by an accredited certifier and copies of all Compliance Certificates are to be submitted to Council with the Occupation Certificate. Compliance Certificates are required at the following stages of construction:-
- a. Any pier holes (if pier holes are required to accommodate components of this structure).
  - b. Any foundation material before the placement of any component of this structure.
  - c. Trenches and pier holes with reinforcing steel in position but before concrete is poured (if components of this structure).
  - d. The completed structure.
16. External finishes and colours are to be sympathetic and compatible with the surrounding natural environment. A schedule of external finishes is to be submitted to and approved by the Principal Certifying Authority prior to the commencement of work on site. In particular, colours are to be carefully selected from the colour palette contained in Appendix 2 of this Plan.
17. For maintenance purposes all structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately.



18. All of the relevant prescribed conditions of approval detailed in Schedule 4.



**SCHEDULE 4 - COMPLYING DEVELOPMENT  
PRESCRIBED CONDITIONS OF CONSENT  
Environmental Planning and Assessment Amendment Regulation  
1998**

**78A Compliance with Building Code of Australia**

1. All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
2. This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4).

**78B Change of building use**

1. 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.
2. This clause does not apply to the extent to which an exemption is in force under clause 80H or 80I, subject to the terms of any condition or requirement referred to in clause 80H(6) or 80I(4).
3. In this clause, **Category 1 fire safety provision** has the same meaning as it has in Part 7B.

**78C Residential building work**

1. 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 licence 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 this Regulation was Gazetted, that amount was \$3,000. As those regulations are amended from time to time, so that amount may vary.

2. 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.

#### **78D Excavations and backfilling**

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

#### **78E Retaining walls and drainage**

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.

#### **78F Support for neighbouring buildings**

1. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - a. must preserve and protect the building from damage, and
  - b. if necessary, must underpin and support the building in an approved manner, and
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land



and furnish particulars of the excavation to the owner of the building being erected or demolished.

2. The owner of the adjoining allotment of land is not liable for any part of the cost of 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.
3. In this clause, ***allotment of land*** includes a public road and any other public place.

### **78G Protection of public places**

1. 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.
2. 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.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

### **78H Signs to be erected on building and demolition sites**

1. 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 unauthorised 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.
2. Any such sign is to be removed when the work has been completed.
3. 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.

### **78I Toilet facilities**

1. 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 or part of 20 persons employed at the site.

2. 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 an accredited sewage management facility approved by the council, or
    - iii. if connection to a public sewer on an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
3. The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

4. In this clause:

**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*.





## APPENDIX 1

### DEFINITIONS

Adjoining Land	<i>Means land which adjoins an application site or is separated from it by a pathway, driveway, lane way, road way or similar thoroughfare.</i>
Ancillary works	<i>Any external or internal works normally associated or contemplated with the type of building work which is the subject of the complying development being certified. Such works may include paving, retaining walls, dividing fences, landscaping and demolition.</i>
Attached Building	<i>A building which is not free standing.</i>
Bird Aviaries	<i>An enclosure in which birds other than poultry or pigeons are kept.</i>
Building Line	<i>The building setback distance, specified in Ku-ring-gai Council's Development Control Plan No 38, from the boundary of a public road in which a building or part thereof shall not be erected without the prior approval of the Council.</i>
Built-upon area	<i>The area of a site containing any built structure (whether covered or uncovered), any building, carport, terrace or pergola, hard-surface recreation area, swimming pool, tennis court, driveway, parking area or any structure, but excluding minor landscape features.</i>
Complying Development	<i>Routine types of development that either Council or an accredited certifier can approve in seven days and identified as Complying Development in this Plan.</i>
Cut and Fill	<i>Excavation works undertaken to alter the slope of the land.</i>
Decks	<i>A horizontal platform.</i>
Demolition	<i>In relation to a building or work means the damaging, defacing, destruction, pulling down or removal of the building or work, in whole or part.</i>
Development	<i>The erection of any building, carrying out of any work in, on, over or under the land, the use of land or building or work thereon and the subdivision of land.</i>



Exempt Development	<i>No approval required for development with minimal environmental impact and identified as Exempt Development in this Plan.</i>
Existing natural ground level	<i>The ground level that exists, prior to any construction on the site.</i>
<i>Front Fences</i>	<i>A fence that is erected along the front boundary of the subject site and/or along the side boundary between the front property boundary and the existing front building line of the principal building on the subject site.</i>
Gross floor area	<p><i>The sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor excluding:</i></p> <ul style="list-style-type: none"> <li><i>(i) columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall;</i></li> <li><i>(ii) balconies, decks, pergolas and the like that are identified as complying development in this plan;</i></li> <li><i>(iii) car parking needed to meet any maximum requirements of Council and any internal access thereto.</i></li> </ul>
Ground Level	<i>The existing level of a site before development is carried out on the site under this Plan. This does not include any level that has been created without the approval of the Council where this would otherwise be required.</i>
Habitable room	<i>A room (other than a bathroom, laundry, water closet or the like) that is designed constructed or adapted for the activities normally associated with domestic living.</i>
Home Occupation	<i>An occupation carried on in a dwelling-house, a dwelling in an attached dual occupancy or a dwelling in a residential flat building, by the permanent residents of the dwelling-house or such dwelling which does not involve any of the following:</i>



- (a) *the registration of the building under the Factories, Shops and Industries Act, 1962;*
- (b) *the employment of persons other than such residents;*
- (c) *the use of the premises for a Class A Veterinary Hospital or a Class B Veterinary Clinic within the meaning of the Veterinary Surgeons Act, 1986;*
- (d) *interference 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, oil or otherwise;*
- (e) *the display of goods, whether in a window or otherwise; or*
- (f) *the exhibition of any notice, advertisement or sign exhibited on such dwelling-house or such dwelling to indicate the name and occupation of the resident.*

Minor alterations  
Residential Premises

*Applies to the replacement of doors, walls, ceiling linings, windows, frame members or roofing materials, with equivalent or improved quality materials, and renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards, wardrobes and the like.*

Setback

*The distance between the boundaries of a site and the external wall of a building erected or proposed to be erected.*

Side Fences

*Side Fences are those located between the front building line and the rear boundary.*

Site Area

*The area of land contained within the title boundaries of the site or the area of land to which an application of consent relates. It excludes an access corridor to the site, such as the area of any access handle in the case of hatchet (battle-axe) shaped lots.*

Surface water collection  
Point

*A low point in an area to which stormwater will drain.*

Transparent

*Relates to fences, as being largely visually open in appearance such as the use of metal grilles or timber pickets.*

Unrelieved walls

*Walls greater than 12m long without a major physical break or return.*



## APPENDIX 2

### COLOUR PALETTE - COMPLYING DEVELOPMENT

Reference: "Australian Standard 2700-1996, Colour Standards for General Purposes"

#### ROOF AND WALL – EXTERNAL FINISHES

##### The Y (Yellow) Group

Y24, Y43-45, Y52-56, Y62, Y65

##### The X (Yellow – Red) Group

X34, X42, X43, X45

##### The R (Red) Group

R42-44

##### The P (Purple) Group

P31

##### The B (Blue) Group

B32, B42-44

##### The T (Blue – Green) Group

T33, T35, T44, T45

##### The G (Green) Group

G32, G43-45, G52-55

##### The N (Grey or Neutral) Group

N22-25, N32, N33, N35, N41-45

#### ROOF ONLY (ADDITIONAL COLOURS)

##### The Y (Yellow) Group

Y61-63, Y65

##### The X (Yellow-Red) Group

X61-65

##### The R (Red) Group

R62-65

##### The P (Purple) Group

P52

##### The B (Blue) Group

B61, B62, B64

##### The T (Blue-Green) Group

T63, G61



The G (Green) Group  
G12-17, G62-67

The N (Grey or Neutral) Group  
N63-65

NOTE: The colours listed above, have been selected from the Australian Standard "AS 2700 - 1996, Colour Standards for General Purposes".

A copy of this document is available from Council's Customer Services Enquiries Counter for your viewing.



## APPENDIX 3

### STANDARD NOTIFICATION LETTERS

#### STANDARD LETTER OF NOTIFICATION UPON DETERMINATION - APPROVAL

(insert name of accredited certifier)  
(insert contact details)

(insert date)

(insert name of adjoining property owner)  
(insert address)

Dear (insert name)

Proposed Complying Development for-(insert type of proposed complying development activity) at (insert address of subject property)

---

I wish to advise that the above application for a complying development certificate has been approved. A copy of the Complying Development Certificate including the approved plans and conditions of consent may be inspected at Ku-ring-gai Municipal Council, 818 Pacific Highway, Gordon between the hours of 8.30am and 4.30pm, Monday to Friday (public holidays excluded).

Please note that if the complying development proposal is not being constructed in accordance with the consent, affected property owners may:

- (i) apply to Council to impose an order;
- (ii) initiate action in the Land and Environment Court under Section 123 of the Environmental Planning and Assessment Act, 1979; or
- (iii) notify the Accreditation Board of (insert details of accredited certifier).

You will be notified 2 days prior to the commencement of work on the property.

If you have any enquiries on this proposal, please contact the undersigned.

Yours faithfully

(insert name of accredited certifier)



STANDARD LETTER OF NOTIFICATION UPON DETERMINATION -  
REFUSAL

(insert name of accredited certifier)  
(insert contact details)

(insert date)

(insert name of adjoining property owner)  
(insert address)

Dear (insert name)

Proposed Complying Development for (insert type of proposed complying  
development activity) at (insert address of subject property).

---

I wish to advise that the above application for a Complying Development Certificate has been refused as the proposal did not satisfy the Ku-ring-gai Planning Scheme Ordinance and/or Development Control Plan No. 46 - Exempt and Complying Development.

If you have any enquiries on this proposal, please contact the undersigned.

Yours faithfully

(insert name of accredited certifier)



STANDARD LETTER OF NOTIFICATION PRIOR TO WORKS COMMENCING

(insert name of proponent)  
(insert contact details)

(insert date)

(insert name of adjoining property owner)  
(insert address)

Dear (insert name)

Complying Development for (insert type of complying development activity) at (insert address of subject property)

---

I wish to advise that, in accordance with the above Complying Development Certificate, works at the above subject property, will commence in two (2) days from the date of this letter.

Please note that if the complying development proposal is not being constructed in accordance with the consent, affected property owners may:

- (i) apply to Council to impose an order;
- (ii) initiate action in the Land and Environment Court under Section 123 of the Environmental Planning and Assessment Act, 1979; or
- (iii) notify the Accreditation Board of (insert details of accredited certifier).

Please find attached a copy of all standards and conditions of consent that are relevant to the Complying Development, as contained in Council's DCP 46.

If you have any enquiries on this proposal, please contact the undersigned.

Yours faithfully

(insert name of proponent)

