

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) specifies exempt development under that Policy. The Codes SEPP has state-wide application and commences on 27 February 2009. Consequently, from that date the exempt development provisions (for the development types covered by the Codes SEPP) in DCP 33 will no longer apply.

A copy of the Codes SEPP is available at: www.planning.nsw.gov.au/housingcode

Further information on the General Housing Code is available at: www.planning.nsw.gov.au/housingcode

For further information please email planningreform@planning.nsw.gov.au or call the Department of Planning's Information Centre on Freecall 1300 305 695 or (02) 9228 6333.



DEVELOPMENT CONTROL PLAN No. 33

EXEMPT AND COMPLYING DEVELOPMENT

AUGUST 1999

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DEVELOPMENT CONTROL PLAN NO. 33

EXEMPT AND COMPLYING DEVELOPMENT

1. INTRODUCTION

1.1 Name

This Plan is called Blue Mountains City Council Development Control Plan (DCP) No. 33 Exempt and Complying Development.

1.2 Commencement

This plan commences upon gazettal of City of Blue Mountains Local Environmental Plan No. 1991 (Amendment No. 29) — Exempt and Complying Development.

1.3 Aims and Objectives

The aims and objectives of this plan are:

- a. In regard to Exempt Development:
 - to identify the type of development that is exempt development for the purpose of clause 9A in LEP 1991 and clause 10B in LEP No. 4.
 - to identify the requirements for exempt development.
- b. In regard to Complying Development:
 - to identify the type of development that is complying development for the purpose of clause 9A in LEP 1991 and clause 10B in LEP No. 4.
 - to identify the requirements and outcomes for complying development.
 - to identify the conditions to be included in a complying development certificate.

1.4 Land to which this Plan applies

This plan applies to the City of Blue Mountains Local Government Area.

1.5 Relationship to other planning instruments

This plan provides more detail in relation to the provisions in Blue Mountains City Council LEP No. 4 and LEP 1991.

2. EXEMPT DEVELOPMENT

2.1 Development listed in Schedule 1 is exempt development, except as provided by subclause 2.2 and 2.3.

2.2 Development is exempt development only if it satisfies all of the following requirements:

- (a) 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 products, grit or oil or otherwise, and
- (b) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and

- (c) it complies with:
 - (i) any relevant requirements and standards specified for the development in Schedule 1, and
 - (ii) any other relevant requirements and standards in any other environmental planning instrument applying to the land on which it is proposed to be carried out, and
- (d) it does not contravene any condition of a development consent applying to the land, 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 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
- (h) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements applying to the land, and
- (i) it is carried out behind the building in a heritage conservation area, unless otherwise stated in the Exempt Development Table, and
- (j) it does not require any tree above 4 metres high to be removed, unless the relevant approval has been obtained under Council's Tree Preservation Order to remove a tree, and
- (k) consent is not required for the removal of any native vegetation under any environmental planning instrument applying to the land, and
- (m) on residential properties a minimum of 35% of the site is maintained as soft landscaping.

2.3 Development is not Exempt Development if it is carried out on land that:

- (a) is listed as the site of a heritage item in Schedule 2 to Local Environmental Plan 1991, unless otherwise stated in the Exempt Development Table, or
- (b) is subject to an order under the Heritage Act 1977, or
- (c) contains a relic or is an Aboriginal place under the National Parks and Wildlife Act 1974, or
- (d) is within an Environmental Protection Zone or is identified as a Protected Area or is specified as an environmental buffer in an environmental planning instrument adopted by the Council or in a draft environmental planning instrument that has been publicly exhibited by Council, or
- (e) is protected land as defined under the Rivers and Foreshores Improvement Act 1948, or
- (f) 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
- (g) is identified in a planning instrument or in a Development Control Plan adopted by the Council as being flood liable, contaminated or subject to subsidence or slip, or
- (h) contains an environmentally sensitive vegetation unit listed in Schedule 3 to Local Environmental Plan 1991, or
- (i) has a slope greater than twenty percent (20%)

Note: Under section 76(3)(a) of the 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).

3. COMPLYING DEVELOPMENT

3.1 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 Act, except as provided by subclause 3.2 and 3.3.

Note: Under section 76A(6) of the Act, the following cannot be complying development:

- (a) State significant development
- (b) designated development
- (c) 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(3) of the act.

3.2 Development is complying development only if it satisfies all of the following requirements:

- (a) it complies with any deemed-to-satisfy provisions of the Building Code of Australia relevant to the development, and
- (b) it complies with:
 - (i) the development standards specified in Schedule 2, and
 - (ii) any other development standards specified for the development in any other environmental planning instrument applying to the land on which it is proposed to be carried out, and
- (c) it does not contravene any condition of a development consent applying to the land, and
- (d) it 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
- (e) no other planning instrument applying to the land on which the development is proposed to be carried out states that the adequacy of an acid sulphate soils management plan for the proposed development must be considered before consent can be granted to the development, and
- (f) it is carried out at least one metre from any easement or public sewer main and complies with the building over sewer requirements applying to the land, and
- (g) a certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation, and

- (h) it does not require any tree above 4 metres high, to be removed unless the relevant approval has been obtained under Council's Tree Preservation Order to remove a tree, and
- (i) consent is not required for the removal of any native vegetation under any environmental planning instrument applying to the land.

3.3 Development is not complying development if it is carried out on land that:

- (a) is identified by Council *or* in any environmental planning instrument or development control plan as high or extreme bushfire risk; flood liable; contaminated land; subject to subsidence, slip or erosion, or
- (b) is a site that has previously been used:
 - (i) as a service station, or
 - (ii) as a sheep or cattle dip, or
 - (iii) for intensive agriculture, or
 - (iv) for mining or an extractive industry, or
 - (v) for waste storage or waste treatment, or
 - (vi) for the manufacture of chemicals, asbestos or asbestos products,
 and a notice of completion of remediation work for the proposed use has not been given to the council in accordance with State Environmental Planning Policy No. 55 - Remediation of Land, or
- (c) is identified as an Aboriginal place or known Aboriginal relic, or is dedicated or reserved under the National Parks and Wildlife Act 1974, or
- (d) is within an Environmental Protection Zone or is identified as a Protected Area or is specified as an environmental buffer in an environmental planning instrument adopted by the Council or in a draft planning instrument that has been publicly exhibited by Council, or
- (e) contains an environmentally sensitive vegetation unit listed in Schedule 3 to Local Environmental Plan 1991.
- (f) is protected land as defined under the Rivers and Foreshores Improvement Act 1948, or
- (g) is listed in Schedule 2 of LEP 1991 as the site of a heritage item and/or being within a heritage conservation area, or
- (h) 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
- (i) is State protected land within the meaning of the Native Vegetation Conservation Act 1997, or
- (j) is unsewered land within a special area or outer catchment area identified in the maps within the meaning of State Environmental Planning Policy No. 58 - Protecting Sydney's Water Supply , or

Note: Under section 76(3)(a) of the 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 the environmental heritage:

- (i) that is subject to an interim heritage order under the Heritage Act 1997, 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.

3.4 A complying development certificate issued for any such development is to be subject to the conditions for the development specified in Schedule 2.

SCHEDULE 1 - EXEMPT DEVELOPMENT

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ACTIVITY	TYPE OF DEVELOPMENT	PAGE
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EXEMPTED ACTIVITIES

In relation to exempted activities, a person must give due consideration to the following:

- The amenity of adjoining landowners.
- The location of a structure related to site boundaries, sewers, easements, rights-of-way, other structures, etc..
- The provision of adequate drainage.
- Any potential fire risks.
- Avoiding creating a harbourage for vermin.
- Structural stability.
- External finishes.

LIMIT OF ACTIVITIES CARRIED OUT BY EXEMPTION

If subsequent activities involve an increase over and above the stated exemption conditions then approval will be required for the further activity. For example, if a deck was erected in the past up to the limit of 10 m² any enlargement of that deck or the erection of another deck would require approval as the size of the structure would exceed the limits of the exemption criteria.

SCHEDULE 1 - EXEMPT DEVELOPMENT TABLE

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
ERECTION OF BUILDING (MINOR BUILDING WORKS)		
AERIAL/ANTENNAE/MICROWAVE ANTENNAE (not including satellite dishes or free standing radio aerials)	<ul style="list-style-type: none"> For domestic use only. Not to exceed 3.0m above eave/fascia line. Location - attached to the dwelling and to the rear of premises, if practicable. One per property No encroachments over property boundaries 	<p>Does not include free standing radio aerials.</p> <p>See also Telecommunications.</p>
AIR CONDITIONING UNITS FOR DWELLINGS (attached to external wall or ground mounted)	<ul style="list-style-type: none"> Noise level complies with the Environment Protection Authority Environmental Noise Control Manual. Building work must not reduce the structural integrity of the building. Any opening created is adequately weatherproofed. Located a minimum of 1 metre from any property boundary. 	<p>Council is empowered under the Protection of the Environment Operations Act 1997 to abate nuisances caused by air conditioners.</p>
AWNINGS/PATIO COVERS ON DWELLINGS (not enclosed)	<ul style="list-style-type: none"> Maximum area of 20 m² and located behind the existing building alignment. Maximum height 3.0 m. Not less than 500 mm to side and rear boundary. Posts and roofs must be securely fixed to resist wind uplift forces. Roofwater to be disposed of without causing nuisance to adjoining premises. Not within a heritage conservation area. 	<p>Non-reflective colour-bonded materials that complement the existing dwelling and the local environment.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
BARBECUES	<ul style="list-style-type: none"> • Maximum area 3 m². • Maximum height 1.5 m. • Located behind the existing building alignment and within the curtilage of an existing dwelling. • Setback 450mm from property boundary (does not apply to gas operated). 	Flues or chimneys not to be located so as to create a nuisance.
CABANAS; CUBBY HOUSES; GARDEN SHEDS; GAZEBOS; GREEN HOUSES; BIRD AVIARIES; FABRIC SHADE STRUCTURES	<ul style="list-style-type: none"> • Maximum area 10m². • Maximum height 2.1m to eave and 3m to ridge line. • Located in rear yard only and 500 mm clear of boundaries and fences. • Erected in accordance with manufacturer's details. • Careful siting to avoid visual nuisance. • Materials to be free of defects. • Roofwater to be disposed of without causing nuisance to adjoining premises. • Not within a heritage conservation area. 	<p>As roofed structures are subject to wind uplift forces, roof cladding should be securely fixed to roof beams or rafters.</p> <p>Structures should be securely fixed to concrete footings or slabs.</p> <p>Not to be used for commercial purposes.</p> <p>The site coverage provisions in clause 10.9 of LEP 1991 must be complied with where applicable.</p> <p>Appropriate colours to reflect setting.</p>
CLOTHES HOISTS/LINES	<ul style="list-style-type: none"> • Installed to manufacturer's specifications. • Located in the rear yard or no closer to the street than rear alignment of dwelling. 	
DECKS (unroofed and attached to dwellings)	<ul style="list-style-type: none"> • Maximum area 20m². • Maximum width 2.5m. • Finished surface level not greater than 1m above existing ground level. • Minimum side boundary setback of 2m. • Minimum clearance of 200mm to timber bearers. • Not to be forward of existing front building alignment. • • Materials to be free of defects. 	<p>Enclosure of deck requires approval.</p> <p>The development should avoid adversely affecting neighbours' privacy.</p> <p>The site coverage provisions in clause 10.9 of LEP 1991 must be complied with where applicable.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
<p>DEMOLITION (excluding heritage items or buildings within heritage conservation areas which are identified in Council's environmental planning instruments).</p>	<ul style="list-style-type: none"> • Demolition of any building (other than a retaining wall) comprising exempt development. • To be carried out to Australian Standard AS2601-1991 Demolition Code. 	<p>Any works involving asbestos cement must comply with the WorkCover Authority's "Short Guide to Working With Asbestos".</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p> <p>All demolition works should be carried out in a way that ensures that waste is disposed of in a manner consistent with the Environment Protection Authority's "Construction and Demolition Waste Action Plan 1998".</p> <p>Care should be taken when demolishing buildings/structures likely to have been treated with pesticides to avoid contact with the top 10-20 mm of soil. Also the top layer of soil should not be left exposed where children or other sensitive individuals may come into contact with it.</p>
<p>DRIVEWAYS AND PATHWAYS, other than over public land</p>	<ul style="list-style-type: none"> • Not elevated or suspended above natural ground level. • Stormwater not directed onto adjoining property. • Complies with Council's Specification for Dwelling Driveways. • Not on land identified as a Protected Area under a Council planning instrument. • Not on land which has a slope in excess of 20% (1 in 5). 	

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
FENCES (NON BRICK) (other than fences covered by the Swimming Pools Act 1992)	<ul style="list-style-type: none"> • Not within a heritage conservation area. • Not adjoining a heritage item. • Behind the existing building setback line: <ul style="list-style-type: none"> ➢ Maximum height 1.8m if constructed of timber, metal or light weight materials. • Within the existing building setback line: <ul style="list-style-type: none"> ➢ Maximum height 1m or a maximum height of 1.2m for open construction (decorative or timber or metal picket). • Does not prevent the natural flow of stormwater drainage. 	<p>These requirements do not set aside the provisions of the Dividing Fences Act, 1991.</p> <p>You are advised to talk to your neighbour at an early stage and consult the Dividing Fences Act.</p> <p>Materials sympathetic to the streetscape to be used.</p> <p>All work to be to an acceptable trade standard of construction.</p> <p>Fences other than those listed as exempt development require the submission of a landuse application and the prior approval of Council.</p>
FENCES (MASONRY OR BRICK) (other than fences covered by the Swimming Pools Act 1992)	<ul style="list-style-type: none"> • Maximum height 1m and compliance with AS3700 - Masonry Code and AS 1170 - Loading Code if constructed of masonry. • Not within a heritage conservation area. • Not on land adjoining a heritage item. • Does not prevent the natural flow of stormwater drainage. 	
FLAGPOLES	<ul style="list-style-type: none"> • Maximum of 1 per property. • Maximum height 6m above ground level. • Located no closer than 2m to side boundary. • Must be structurally adequate. • Ropes, pulleys and stays to be secured so as not to cause a nuisance. • Not on land identified as a Protected Area under a Council planning instrument. 	<p>In Rural Conservation and Bushland Conservation zones under LEP 1991 the flagpole should be below the skyline when viewed from a public place.</p> <p>The flagpole is not to be used for commercial advertising.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
HOARDINGS (next to buildings being erected or demolished)	<ul style="list-style-type: none"> • Meet with WorkCover Authority requirements. • If the building, to which the hoarding relates, is situated away from a common boundary by at least twice the measurement of the height of the building, alternative non solid-hoardings may be provided subject to appropriate signs being provided and provision made to minimise dust from the site. • The vertical height above footpath level of the structure being erected or demolished must be less than 4m. • Constructed of solid materials to a height not less than 2.4m above the level of the adjacent footpath or thoroughfare. • Does not encroach onto a public footway or thoroughfare. • Appropriate signs are provided in accordance with AS1319. • All existing vegetation must be protected by suitable guards/barriers to prevent damage as a result of the erection of hoardings and/or demolition of the building. 	All reasonable measures taken to safeguard the general public from injury.
LETTER BOXES (free standing or in 'banks')	<ul style="list-style-type: none"> • Maximum height of 1.2m above ground level. • Only one box per dwelling. • Appropriate numbering to be visible from street alignment. • Structurally stable with adequate footings. • Not to encroach onto public footway or thoroughfare. 	

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
<p>MINOR INTERNAL ALTERATIONS & RENOVATIONS TO CLASS 1 AND 10 BUILDINGS ONLY</p> <p>Examples of minor alterations include - new door, bathroom or kitchen renovations etc., but not including windows.</p>	<ul style="list-style-type: none"> • Minor non-structural work, including: <ul style="list-style-type: none"> ➤ replacement of doors, wall, ceiling or floor linings, or deteriorated frame members with materials of equivalent or improved quality. ➤ renovations of bathrooms, kitchens, inclusion of built-in fixtures such as vanities, cupboards and wardrobes. • Are alterations or renovations to previously completed buildings. • Work not to include changes to the configuration of rooms whether by removal of existing walls or partitions or by other means. • Work not to cause reduced or changed window arrangements for light and ventilation needs, reduced doorways for egress purposes or involve enclosure of open areas. • The alteration must not adversely affect the structural strength or stability of the building. • Any work involving lead paint removal or the disturbance of lead dust (ceiling spaces and wall cavities) must not cause lead contamination of air or ground. • Any work involving asbestos cement must comply with the WorkCover Authority's "Short Guide to Working With Asbestos". 	<p>All work must comply with the Building Code of Australia. It is advised to consult a structural engineer, architect or building surveyor before commencing alterations to ensure you comply with the Building Code of Australia and will not affect the structural sufficiency and stability of the building.</p> <p>It is recommended that wet area flashings or membranes be the subject of an inspection by an expert such as a Building Surveyor. Council or an accredited certifier can provide an inspection upon request as a fee for service.</p> <p>It is recommended that water conservation devices with AAA ratings be installed, including tap flow regulators, shower head roses and dual flush toilets. The performance criteria endorsed by Sydney Water for AAA rating is:</p> <ul style="list-style-type: none"> ➤ Shower heads 9 litres or less per minute ➤ Water tap outlets 9 litres or less per minute ➤ Dual flush toilet suite 6/3 litre flush cistern or approved dual flush equivalent. <p>The alteration should not adversely affect the structural strength and stability of the building. For example, external walls are often strengthened and stabilised by internal walls that resist loads such as wind forces. The removal of internal walls without consideration overall strength and stability may result in the failure of external walls.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
<p>MINOR EXTERNAL ALTERATIONS & RENOVATIONS TO CLASS 1 AND 10 BUILDINGS ONLY</p> <p>Includes repair, renewal or re-cladding of roofs or walls but not including windows.</p>	<ul style="list-style-type: none"> • Must only involve replacing existing materials with the same or similar materials which are compatible with the existing building and finish. • Must not involve structural alterations or change to the external configuration of a building. • Colour and selection of materials must complement the neighbourhood amenity. • Any work involving asbestos cement must comply with the WorkCover Authority's "Short Guide to Working With Asbestos". • Any work involving lead paint removal or the disturbance of lead dust (ceiling spaces and wall cavities) must not cause lead contamination of air or ground. 	<p>Any work involving asbestos cement should comply with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings".</p> <p>Council's Heritage Advisor should be contacted for advice.</p> <p>Colour of replacement materials should be earth tones or muted bushland tones and/or complement the environment in the locality.</p>
<p>PATIOS</p> <p>(being paved, concrete or the like at or near ground level).</p>	<ul style="list-style-type: none"> • Maximum area 20 m². • Stormwater not to be directed onto adjoining property. • Adequate step down to prevent entry of water into the dwelling. • Minimum setback of 500 mm from side and rear boundary. • Not to breach existing termite protection measures. • Located within the curtilage of an existing dwelling. 	<p>Provision of a non-slip finish is advisable.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
PERGOLAS (open roof and sides and either attached to a building or freestanding)	<ul style="list-style-type: none"> • Maximum area 20 m². • Maximum height 3 m. • Not to extend above existing fascia line. • Located behind the existing building. • Not less than 500 mm to side boundary (no attachments to fences). • Timber framework to comply with Timber Framing Code. 	<p>Roofed or enclosed pergolas require approval.</p> <p>All work to be an acceptable trade standard of construction.</p> <p>The site coverage provisions in clause 10.9 of LEP 1991 must be complied with where applicable.</p> <p>Should be sited so as to minimise impact on the amenity and privacy of adjoining properties.</p>
PLAYGROUND EQUIPMENT (Residential use only)	<ul style="list-style-type: none"> • Maximum height of 2.1 m. • Located in the rear yard only. • Must be installed in accordance with manufacturer's instructions and comply with relevant Australian Standards. 	
PORTABLE CLASSROOMS (and other portable school buildings)	<ul style="list-style-type: none"> • Only on land on which a government school or non-government school is located. • Location must only be in school grounds and not contravene any development consent. • Must be structurally adequate. • A maximum height of one storey. • Installation must accord with engineering design. • Must comply with the Building Code of Australia. • Stormwater to be connected to an adequate stormwater system. • Removed from site no later than five years after installation. 	<p>These buildings are of a temporary nature and installation under an exemption is only permitted for up to five years.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
RAMPS FOR PERSONS WITH A DISABILITY	<ul style="list-style-type: none"> • Maximum height of 1 m. • Grade a maximum of 1:14 in accordance with Australian Standard 1428. • Located within the property. 	
RETAINING WALLS	<ul style="list-style-type: none"> • Wholly located at least 1 m inside property boundaries. • Maximum height of 1 m. • Maximum length of 20 m. • Are to be constructed so as not to prevent the natural flow of stormwater drainage run-off. • Adequate drainage lines provided behind wall to remove seepage • There shall be suitable collection and dispersal of drainage - drainage is not to be discharged or redirected onto an adjoining property. • Masonry walls to comply with: <ul style="list-style-type: none"> ➤ AS3700 - Masonry Code. ➤ AS3600 - Concrete Structures. ➤ AS1170 - Loading Code. • Timber walls to comply with: <ul style="list-style-type: none"> ➤ AS1720 - Timber Structures. ➤ AS1170 - Loading Code. • Any supports are to be wholly within the property. • Not on land identified by the Environment Protection Authority or the Council as potentially contaminated or containing acid sulfate soil. • Not within a heritage conservation area. 	<p>It is the owner's responsibility to ensure that the adjoining property is not damaged or undermined.</p> <p>On land zoned under LEP 1991 retaining walls are required to be located within a Principal Development Area on relevant lots (see cl. 10.9 and cl. 30 of LEP 1991).</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
RADIOCOMMUNICATION DISHES ASSOCIATED WITH DWELLING HOUSES	<ul style="list-style-type: none"> • Dish not to exceed 1.2 m in diameter. • Maximum height of 1.2 m above roof gutter. • Where located at ground level shall not exceed 1.8m above ground level or the height of any fence enclosures, whichever is the greater. • Maximum 1 per dwelling. • Located to the rear of the premises. • Colour matched to background. 	Dishes should be positioned so as not to significantly interfere with the sight or view of a neighbouring property.
SCAFFOLDING	<ul style="list-style-type: none"> • Not to encroach onto footpath or public thoroughfare. • Must comply with AS1576. • To be removed immediately after the completion of work. 	All scaffolding shall be in accordance with WorkCover Authority requirements.
SECURITY FENCES	<ul style="list-style-type: none"> • Public Utility Undertakings <ul style="list-style-type: none"> ➢ Chain wire type fences around public utility undertakings. ➢ Maximum height of 3 m. • Industrial uses <ul style="list-style-type: none"> ➢ In employment and industrial zones only ➢ Security fences and gates at or behind the building line only. ➢ Maximum height of 3 m. 	

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
SKYLIGHT ROOF WINDOWS (non-opening)	<ul style="list-style-type: none"> • Maximum area of skylight not to exceed 1 m². • Not more than one installation per 25 m² of roof area. • Skylights are to be constructed of thermoplastic sheets in metal frames with a diffuser at ceiling level of 6mm thick wired or other safety glass, retained in a metal frame. The skylight shaft should be lined with fire-rated plasterboard, if it is not a vaulted or cathedral ceiling. • Located not less than 900 mm from the nearest property boundary and not less than 900 mm from any wall separating attached dwellings. • The building work must not reduce the structural integrity of the building or involve structural alterations. • Any opening created by the installation must be adequately weatherproofed. • Installation must be to manufacturer's instructions. 	<p>Consideration should be given to the impact of a skylight on the heat load of the building and/or specific rooms.</p>
SOLAR WATER HEATERS	<ul style="list-style-type: none"> • Installed to manufacturer's specifications. • Installed by a licensed tradesperson. • Any openings created by an installation must be adequately weatherproofed and be sealed with maximum 2 mm wire mesh. • Installations must be flush with a roof alignment. 	<p>Associated building work must not reduce the structural integrity of the building or involve structural alterations.</p> <p>Sealing openings with 2 mm wire mesh is required to prevent the entry of burning embers in the event of bushfire.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
SOLID FUEL OR OIL HEATERS	<ul style="list-style-type: none"> • Installation by a Blue Mountains City Council accredited contractor. • Council is notified in writing of the installation along with the accredited contractor's details, after the to installation. • Installation to be in accordance with part G2 of the Building Code of Australia and AS 2918 - 1991. 	Existing legislation enables Council to take appropriate action to overcome any nuisance which may arise from the installation of solid fuel heating appliances.
TELECOMMUNICATIONS FACILITIES (including antenna, radiocommunications dish, microcell installation and tower extensions; subscriber connections; in-building coverage installation; pit; manhole; underground equipment shelter or housing; underground conduit or cable; public payphone cabinet or booth; pillar; roadside cabinet; pedestal; external equipment shelter; co-located facilities; temporary facilities)	<ul style="list-style-type: none"> • Only in accordance with the provisions of the Telecommunications (Low-Impact facilities) Determination 1997. • Not within an area of environmental significance as defined in section 2.5 of the Telecommunications (Low-Impact facilities) Determination 1997. • Not within a heritage conservation area. • Located to the rear of the premises, if practicable. 	<p>See also radiocommunication dishes associated with dwelling houses.</p> <p>Land-use planning zones which are either fully or partially identified by the terms "Environmental Protection" and/or "National Park" are considered areas of environmental significance for the purposes of section 2.5 of the Telecommunications (Low-Impact facilities) Determination 1997.</p>
TEMPORARY BUILDINGS comprising building site sheds and associated amenities buildings.	<ul style="list-style-type: none"> • Only in conjunction with a development where consent has been granted. • The building is setback a minimum of 8 m from the front property boundary and a minimum of 3 m from side and rear boundaries. • A maximum area of 25 m² and height of one storey. • Siting does not affect approved landscape, car parking or loading areas. • Installation under an exemption is only permitted for a maximum of 2 years. 	<p>These buildings are of a temporary nature and installation under an exemption is only permitted for a period not exceeding to two years.</p> <p>On land zoned under LEP 1991 temporary buildings are required to be located within a Principal Development Area on relevant lots (see cl. 10.9 and cl. 30 of LEP 1991).</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
TEMPORARY BUILDINGS comprising building site sheds and associated amenities buildings. (continued)	<ul style="list-style-type: none"> • Must be completely demolished or removed from the site no later than 30 days after the completion of the building and prior to occupation. • Not to be used for habitable purposes or for the storage and handling of flammable materials. • Installation must accord with engineering design. • Stormwater to be connected to an adequate stormwater system. 	
WATER HEATERS (either replacement or new installations, but excluding solar systems)	<ul style="list-style-type: none"> • The work must not reduce the structural integrity of the building or involve structural alterations. • Installation to be carried out by a licensed person. 	
WATER TANKS in Rural Conservation Zone and Bushland Conservation Zone under Local Environmental Plan 1991. (at or above ground level)	<ul style="list-style-type: none"> • Not more than two tanks per dwelling and another two associated with farm buildings not near a dwelling. • Maximum 20,000 litre capacity per tank. • Maximum height of 2.4m. • Must be structurally adequate. • Situated no closer to a street than an associated dwelling. • Installation to meet manufacturer's and/or designer's instructions. • Must be colour matched to background. 	<p>Rainwater from tanks may be unsuitable for drinking as it may be polluted by decaying leaves, bird and animal droppings, lead flashing and paint, and air pollution. Mosquito wrigglers can also be a problem.</p> <p>If it is intended to drink water from a tank it is necessary to take a number of precautions. These include installing a first flush rainwater diverter to drain away the first flow of water which carries sediments and litter from the roof; installing a water filter; installation of mosquito proofing; and possible chlorination of the water.</p> <p>All tanks must be washed out before being put into use to remove contaminants which may have developed during production.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
<p>WATER TANKS in residential zones under LEP 1991 and LEP No. 4</p>	<ul style="list-style-type: none"> • A maximum volume of 10,000 litres. • Located behind the building line to any street frontage. • Located at least 900 mm from any property boundary. • Maximum height 2.4 m above ground level. • Not located over stormwater or sewer pipes • Provision to be made to prevent overflow running onto adjoining properties and causing nuisance. • Any support structures being to manufacturer's specifications or to the requirements of a qualified practising structural engineer. • Noise emission levels of any pump to comply with the Protection of the Environment Operations Act 1997. • Where reticulated water is provided, the tank shall not be interconnected with any system supplying drinking water unless fitted with mechanical backflow prevention devices in accordance with AS 2845. • Must be colour matched to background. 	<p>Rainwater collected from the roof of a house is suitable for such uses as watering lawns and gardens, washing cars and topping up swimming pools.</p> <p>Rainwater from tanks may be unsuitable for drinking as it may be polluted by decaying leaves, bird and animal droppings, lead flashing and paint, and air pollution. Mosquito wrigglers can also be a problem.</p> <p>If it is intended to drink water from a tank it is necessary to take a number of precautions. These include installing a first flush rainwater diverter to drain away the first flow of water which carries sediments and litter from the roof; installing a water filter; possible chlorination of the water; installation of mosquito proofing.</p> <p>All tanks must be washed out before being put into use to remove contaminants which may have developed during production.</p> <p>Pumps to be located and operated so as not to cause a nuisance to adjoining properties.</p>
<p>WINDOWS including other glazed areas and external doors.</p>	<ul style="list-style-type: none"> • Only replacement in residential premises and excluding windows in heritage buildings and buildings within heritage conservation areas as listed in Council's environmental planning instruments. • Materials used must comply with: <ul style="list-style-type: none"> ➤ AS1288 Glass in Buildings - selection and installation; and 	<p>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. You should particularly consult one of those professionals or a recognised glazier to ensure the appropriate quality of glazing is selected for the window or doorway concerned, especially as to whether safety glass is required and installed.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
<p>WINDOWS (continued)</p> <p>including other glazed areas and external doors.</p>	<ul style="list-style-type: none"> ➤ AS2208 Safety Glazing Materials for Use in Buildings (Human Impact Considerations). • No reduction in the area provided for light and ventilation. • Structural support members are not removed. 	<p>Any works involving asbestos cement must comply with the WorkCover Authority's "Short Guide To Working With Asbestos."</p> <p>Any work involving lead paint removal must not cause lead contamination of air or ground.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
ADVERTISING STRUCTURES		
BUSINESS IDENTIFICATION SIGN (excluding illuminated and flashing signs)	<ul style="list-style-type: none"> • Not within a heritage conservation area. • LEP 1991 zones - <ul style="list-style-type: none"> ➤ One sign per property relating to a home business or home occupation. ➤ Maximum area of 0.3 m². ➤ Located at or below the level of an awning or, where there is no awning, below the parapet or eaves of the building or the bottom of any first floor window whichever is the lower. ➤ Has a depth no greater than 300 mm. ➤ A pole sign being no higher than 2 m above the ground. • LEP No. 4 General Business & Industrial zones: <ul style="list-style-type: none"> ➤ Located from the awning level to the ground. ➤ Has a depth no greater than 600 mm. ➤ One under awning sign per property or one per 6 m length of front of building, ➤ No sign is to be larger than 3 m² and the total area of all signs is not to exceed 6 m², exclusive of window signs. • LEP No. 4 Residential zones: <ul style="list-style-type: none"> ➤ One sign per property relating to a home business or home occupation. 	<p>Refer dictionary for definition.</p> <p>Located to complement the architecture of the building.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
BUSINESS IDENTIFICATION SIGN (continued)	<ul style="list-style-type: none"> ➤ Indicates the name and occupation of the resident only. ➤ Maximum area of 0.75 m². ➤ Has a depth no greater than 300 mm. ➤ Located at or below the level of an awning or, where there is no awning, below the parapet or eaves of the building or the bottom of any first floor window whichever is the lower. ➤ In the case of a pole sign being no higher than 2 m above the ground. 	
DISCRETIONARY SIGNS	<ul style="list-style-type: none"> • All zones • Not within a heritage conservation area. • Maximum area of 2.5 m². 	Refer dictionary for definition.
FLUSH WALL SIGN	<ul style="list-style-type: none"> • Industrial and business zones only. • One per allotment • Maximum area 2.5m². • Relate only to use of premises. 	<p>Refer dictionary for definition.</p> <p>Located to compliment the architecture of the building.</p>
PYLON SIGN	<ul style="list-style-type: none"> • Industrial zones only. • One per allotment. • Structurally adequate. • A maximum area of 2.5 m². 	Refer dictionary for definition.

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
REAL ESTATE SIGN	<ul style="list-style-type: none"> • One sign per agent and a maximum of two signs advising that premises are for sale or rent. • Signs on residential and rural premises a maximum area of 1.5 m² & returns not exceeding 180mm. • Signs on commercial and industrial premises a maximum area of 2.5 m² & returns not exceeding 250mm. • Sign to be removed within 5 working days after the sale of the property. • Sign to be located wholly within the property for sale or attached flush to a boundary fence. 	
TEMPORARY SIGNS	<ul style="list-style-type: none"> • All zones. • Must relate to cultural, social, recreational or political events for non-profit organisations. • Include no advertising of a commercial nature other than the sponsors name. • Be displayed no more than 28 days before an event and removed within 7 days after the event. • All signs must be safely constructed and securely fixed to prevent a public nuisance or a hazard to traffic. • Only to be erected on private property. • A maximum of one sign per property. • Signs to have a maximum area of 1.5 m² & returns not exceeding 180mm or in the case of temporary banners shall have dimensions not exceeding 6m x 1m. 	<p>The approval of Council, or the RTA in the case of the Great Western Highway, is required for the placement of temporary banners across roadways and on bridges.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
ANCILLARY DEVELOPMENT		
<p>Ancillary Development</p> <p>such as landscaping, gardening, paving or the erection of minor structures that is ordinarily incidental or ancillary to a use allowed by a development consent.</p> <p>Ancillary structures does not include any structure described elsewhere in this Schedule.</p>	<p>But only if:</p> <ul style="list-style-type: none"> (a) any ancillary structure is located behind the building line, erected at least 1 m from each boundary of the site and has a maximum height of 2.1 m to eave and 3 m to ridge line measured from natural ground level; and (b) any ancillary structure, paving or hard surface area covers not more than 25 m²; and (c) the development does not involve excavation beyond 500 mm below natural ground level; and (d) it does not involve handling, storing or using hazardous chemicals or materials otherwise than on a domestic scale (except on farms and at a distance of more than 25 m from any habitable building), and does not release any hazardous chemicals or materials or any pollutants into the environment; and (e) it does not involve a display of an advertisement unless allowed by some other provision; and (f) any ancillary structure located in a fire protection zone or an asset protection zone identified in a Bush Fire Risk Management Plan in force under the Rural Fires Act 1997 is made of non-combustible materials; and (g) not on land used for landscaping and required to be carried out or maintained by reason of a condition imposed under the Environmental Planning and Assessment Act 1979; and (h) Not on land within a heritage conservation area. 	<p>The site coverage of all buildings shall comply with the site cover provisions in clause 10.9 of LEP 1991 where applicable and on lots having an area more than 4,000 m² zoned Bushland Conservation, Residential Bushland Conservation or Residential Investigation, shall be located within a Principal Development Area approved by Council.</p>

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
HOME BUSINESS		
HOME BUSINESS	<ul style="list-style-type: none"> • Only on land zoned under Local Environmental Plan 1991. • Must be a business carried on, in a building which is or contains a dwelling house, or is within the curtilage of a dwelling house or dwelling. • Must be carried on by the permanent residents of the dwelling house or dwelling and does not involve the employment of more than one person other than such residents. • Does not involve the registration of the building, dwelling house or dwelling under the Factories, Shops and Industries Act 1962. • Does not involve the exhibition of any notice, advertisement or sign other than a Business Identification Sign in accordance with this Schedule. • Does not involve the display of goods, whether in a window or otherwise. • Except where the building is a dwelling house or other dwelling, does not involve the use of a building exceeding 50 m² in area. 	Home Businesses are to be operated so as not to cause interference with the amenity of adjoining properties and/or the neighbourhood.

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
HOME OCCUPATION		
HOME OCCUPATION	<ul style="list-style-type: none"> • Must be an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling. • Does not involve the employment of persons other than those residents. • Does not involve the registration of the building under the Factories, Shops and Industries Act 1962. • Does not involve the display of goods, whether in a window or otherwise. • Does not involve the exhibition of any notice, advertisement or sign other than a Business Identification Sign in accordance with this Schedule. • Does not involve the sale of items (whether goods or materials) or the exposure or offer for sale of items, by retail. 	Home Occupations are to be operated so as not to cause interference with the amenity of adjoining properties and/or the neighbourhood.
PUBLIC MEETINGS		
Public Meetings	<ul style="list-style-type: none"> • The use of a building that is a class 9b building under the <i>Building Code of Australia</i> for the purpose of a public meeting. 	Meetings and events are to be operated so as not to cause interference with the amenity of adjoining properties and/or the neighbourhood.

WHAT CAN BE ERECTED AND USED OR CARRIED OUT?	EXEMPTION REQUIREMENTS	ADVISORY NOTE
DIFFERENT USE OF A BUILDING		
Different Use of a Building	<ul style="list-style-type: none"> A new use of an existing lawful building in any of the following cases: <ul style="list-style-type: none"> (a) The new use is consistent with the classification of the building under the Building Code of Australia and replaces a former use being carried out in accordance with a development consent, and: <ul style="list-style-type: none"> (i) it is not actually or potentially a hazardous or offensive industry, and (ii) it does not involve the preparation of food for sale or consumption, and it is not prohibited by any provision. (b) The new use results from a change of building use from a shop to an office or from an office to a shop that is not in the business of preparing food for sale or consumption, where: <ul style="list-style-type: none"> (i) the new use replaces a former use being carried out in accordance with a development consent, and (ii) the use of not more than 200 m² of floorspace is changed, and (iii) the new use is not prohibited by any provision. (c) The new use is a temporary use of a building for public entertainment over a period not exceeding 48 hours. <ul style="list-style-type: none"> Council is given notification of the different use of the building. No extension to hours outside existing hours of operation or hours of operation permitted by an existing approval. The use is consistent with any condition of a consent relating to the maintenance of landscaping, the parking of vehicles and the provision of space for the loading or unloading of goods and vehicles. A section 73 compliance certificate, if required, has been entered into with Sydney Water Corporation for trade waste purposes. 	<p>A different use of a building allowed by this provision does not necessarily allow alterations to the building as exempt development. However, some building alterations are allowed as exempt development by other provisions of this Schedule.</p> <p>The new use should not involve the handling, storing or using of hazardous chemicals or materials otherwise than on a domestic scale.</p> <p>Any public land adjoining the building shall not be used for storage or display purposes.</p> <p>Meetings and events are to be operated so as not to cause interference with the amenity of adjoining properties and/or the neighbourhood.</p> <p>A separate approval may be required from the Council under the Local Government Act 1993 for a place of public entertainment.</p> <p>A list of development types that require a section 73 compliance certificate for trade waste purpose is provided in Appendix 1.</p>

DICTIONARY

Adjoining land	means land which abuts or has a common boundary with or is directly opposite an application site or is separated from it only by a pathway, driveway or similar thoroughfare.
Building	includes part of a building and any structure or part of a structure.
Building Code of Australia.	means the document of that name published on behalf of the Australian Building Codes Board in October 1996, together with: (a) such amendments made by the Board, and (b) such variations approved by the Board in relation to New South Wales.
Business Sign	means an advertisement that indicates the use of premises, or the nature of goods and services sold or provided from the premises, on the site where the advertisement is located.
Discretionary Sign	means: (a) an advertisement that is not visible from outside the site where it is located; or (b) a public notice displayed by a public authority; or (c) an advertisement behind the glass line of a shop window.
Eaves/guttering	includes a hood or similar structures or attachments erected between the external plane of an external wall and any boundary line.
External wall	includes an external wall of any garage, laundry, workshop or similar structure attached to a Class 1 building (as defined in the Building Code of Australia) or any gable having a surface area exceeding 10m ² .
Flush wall sign	means an advertisement attached to or painted on the front or side wall of the building, which does not project beyond the wall edge. Shall relate only to the business undertaken on the land and/or within the building.
Habitable Room	has the same meaning as in the Building Code of Australia.
Land	includes any building or part of a building erected on the land.
Natural ground level	means the existing ground level before the commencement of any works.
Professional engineer	has the same meaning as in the Building Code of Australia.
Pylon sign	means an advertisement erected on a pole (or pylon) which is independent of a building, and the pole/pylon has a height of not more than 3.6 metres but not less than 2.6 metres above the ground and the sign has maximum area of 2.5 m ² . Shall relate only to the business undertaken on the land and/or within the building.
Soft Landscaping	areas which are not built upon or paved with driveways, parking areas, swimming pools or the like.

SCHEDULE 2 - COMPLYING DEVELOPMENT

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SCHEDULE 2 - COMPLYING DEVELOPMENT TABLE

USE	REQUIREMENT	OUTCOMES
Detached Houses <ul style="list-style-type: none"> · Detached single-storey dwellings. · Carports and garages associated with detached single-storey dwellings. · Development ancillary or incidental to detached single-storey dwellings. 	<ul style="list-style-type: none"> • Detached single storey dwellings only within those areas identified on the map deposited in the offices of the Council and attached to the Development Control Plan. 	Part A
Alterations and extensions <ul style="list-style-type: none"> · Single storey alterations and additions to detached dwellings. · Carports and garages associated with detached dwellings. · Development ancillary or incidental to detached single-storey dwellings. 		Part B
Swimming Pools	<ul style="list-style-type: none"> • Ancillary to a dwelling. • For private use only. 	Part C
Additions/alterations to Industrial and Warehouse Buildings	<ul style="list-style-type: none"> · 200 m² maximum gross floor area. · With formed and sealed road access. · On serviced land. · Use consistent with the classification of the building under the Building Code of Australia. · Does not involve or comprise an actually or potentially hazardous or offensive industry. 	Part D

USE	REQUIREMENT	OUTCOMES
<p>Retail/Commercial Uses and Internal Fitout</p> <p>A change of building use from a shop to an office or from an office to a shop. Includes a food shop but does not include a refreshment room.</p> <p>Internal alterations to a shop or an office, including alterations that alter the load-bearing capacity of load-bearing components.</p>	<ul style="list-style-type: none"> • No increase to the total floor area of the building. • No more than 1,000 m2 of floor area is changed from an office to a shop. • If a change of building use, the new use must replace a former use carried out in accordance with a development consent. • If a change to a food shop must comply with Council's "Food Premises Code for the Construction, Alteration and Fitout of Food Premises", the Food Act 1989 and the Food (General) Regulation 1997. 	<p>Part E</p>
<p>Subdivision</p> <p>A boundary adjustment includes the rectification of an encroachment upon an allotment.</p>	<ul style="list-style-type: none"> • Involves two allotments only; and • Makes a minor adjustment to a boundary between two allotments which does not involve the creation of an additional allotment or building entitlement. • In sewered areas only. 	<p>Part F</p> <ul style="list-style-type: none"> • Submission of a subdivision certificate and fees for Council endorsement. • Does not apply if subdivision involves work on Council property including creation of access.

PART A

Detached Houses, being

- construction of new single storey houses
- construction of carports, garages and outbuildings associated with a dwelling
- development ancillary or incidental to detached dwellings
- only within those areas identified on the maps.

The maps means the series of maps marked "Complying Development - Detached Houses" deposited in the offices of the council and attached as an appendix to the Development Control Plan.

and complies with the following:

General

- Only one dwelling per allotment.
- A certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation.
- In LEP 1991 zones compliance with the site coverage provisions in clause 10.9 of LEP 1991.
- In LEP 1991 on lots having an area more than 4,000 m² zoned Bushland Conservation, Residential Bushland Conservation or Residential Investigation, a Principal Development Area has been approved by Council.

Streetscape

- Carports and garages are no more than 50% of the frontage width or a maximum of 6 metres.
- The street elevation of the dwelling has a front door or living room window facing the street.
- The building complies with:
 - A building line provided in an environmental planning instrument or development control plan applying to the land, or
 - Is setback an average of the setback of the like structures on land either side of the subject property.
- The setback is at least 3 metres from any secondary street frontage or complies with a building line provided in an environmental planning instrument or development control plan applying to the land.

Energy Efficiency

- Compliance with Council's Energy Efficiency DCP including:
 - Achieving a minimum 3.5 Star Rating when assessed in accordance with Council's energy efficiency scorecard or the nationally accredited House Energy Rating Scheme (NatHERS); and
 - Provision of ceiling, roof and wall insulation in accordance with Australian Standard AS 2627.1-1993.
- Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets. The performance criteria endorsed by Sydney Water for AAA rating is:
 - Shower heads 9 litres or less per minute

- Water tap outlets 9 litres or less per minute
- Dual flush toilet suite 6/3 litre flush cistern or approved dual flush equivalent.

Bulk and Scale

- The finished floor level of the structure at any point is no more than 500mm above natural ground level.
- The distance between the floor level and the underside of the eaves is no more than 2.7 metres.
- The building is single storey and complies with any maximum height limit provided in an environmental planning instrument or development control plan applying to the land.
- The roof pitch is no more than 30 degrees and any roof openings are flush with the roof pitch.
- The external wall of any structure is at least 900mm from a side or rear boundary.
- The eaves and roof gutter of any structure are a minimum distance from the side boundary of 0.675m.
- The adjoining property's main area of private open space, and any habitable rooms in that property, are not in shadow between 10 a.m. and 3.00 p.m. on 21 June, as a result of the development.

External Cladding

- Roof cladding shall be of muted bushland tones.
- External walls shall be of earthy tones or muted bushland tones.
- External walls of dwellings shall not comprise sheet metal cladding.

Privacy and security

- Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbour's house and are within 9 metres:
 - are offset from the edge of one window to the edge of the other by a distance of at least 0.5 metres, or
 - have sill heights of at least 1.7 metres above floor level, or
 - have fixed obscure glazing in any part of the window below 1.7 m above floor level, or
 - the properties are separated by a 1.8 metre high solid common boundary fence.

Open Space and Landscaping

- A minimum of 35% of the site must be soft landscaped, that is, not a hard surface.
- Not more than one-third of the front setback area is to be paved or sealed.
- No vegetation is to be removed without prior approval granted by Council where subject to the provisions of Council's Tree Preservation Order.
- No construction is to be built or located within the drip line of a tree subject to Council's Tree Preservation Order.

Private Open Space

- Must be directly accessible from a living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.

- Capable of receiving not less than 3 hours of sunlight between 9 a.m. and 3 p.m. on June 21 over at least 50% of the area of the private open space.
- Private open space shall not be located within any street setback area.

Fences and Walls

- Fences and walls, including side and rear boundary fences, located behind the building line shall have a maximum height 1.8m and be constructed of timber or metal.
- Fences and walls located within the building line shall have a maximum height 1m or a maximum height of 1.2m for open construction (decorative or timber or metal picket).
- Brick and masonry fences and walls shall have a maximum height of 1m and comply with AS3700 - Masonry Code and AS 1170 - Loading Code if constructed of masonry.
- Fences and walls located within the building line shall be compatible with the existing streetscape character.
- Shall not prevent the natural flow of stormwater drainage.

NOTE: Refer to the schedule of exempt development for additional detail.

Site Access and Circulation

- The finished level of the driveway to be within a maximum of 500mm from the natural ground level.
- Driveways are a minimum of 500mm from the side boundary.
- Driveways are a minimum 500mm clear of all drainage structures on the kerb and gutter and do not interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
- There is a maximum of one driveway crossing per allotment.
- Driveways crossings are a minimum distance of 6m from a road intersection.
- Open carparking spaces, access ways and driveways are to comply with Council's Specification for Dwelling Driveways.

Water and Soil Management

- The land surrounding any structure is graded to divert surface water to the street or other stormwater disposal system, and clear of existing and proposed structures and adjoining premises.
- A water and soil management plan which ensures minimum soil erosion and maintenance of downstream water quality during construction is prepared and subsequently implemented.
- The water and soil management plan shall outline practices to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters. Such plan is to be in accordance with Blue Mountains City Council's DCP for Erosion and Sedimentation Control.
- Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system.

Noise & Vibration Mitigation

- All buildings on sites located within 250 metres of any rail corridor shall have regard to the State Rail publication 'Rail Related Noise and Vibration: Issues to consider in Local Environmental Planning - Development and Building Applications' in relation to the amelioration of noise and vibration impacts.

Other Construction Requirements

- Site works shall not exceed a maximum cut of 500 mm and fill of 500 mm measured vertically above the natural ground level 1m outside the perimeter of the external walls of the building.
- No construction over any registered easement without the approval of the party benefiting from the easement.
- No structure is constructed within 3m of a sewer/water main without the prior approval of the relevant service authority.

CONDITIONS OF CONSENT

General

1. The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this complying development certificate.
2. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

Before You Begin Work

3. Two days before any site works, building or demolition begins, the applicant must:
 - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority); and
 - notify the adjoining owners in writing that work will commence.
4. Before any site works, building or demolition is started, the applicant or builder must:
 - notify Council of the name, address, phone number and licence number of the builder, and
 - erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
 - provide a temporary on-site toilet at the rate of one toilet for every 20 persons or part of 20 persons employed at the site, and
 - protect any public place from obstruction or inconvenience of the carrying out of the consent, and
 - prevent any substance from falling onto a public place, *and*
 - comply with any other conditions prescribed by the Environmental Planning and Assessment Regulation 1994.

Hours of Work

5. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays.

Site Management

6. To safeguard local amenity and to prevent environmental damage and/or pollution during the construction period:
 - Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and disposed of in a manner consistent with the Environment Protection Authority's Construction and Demolition Waste Action Plan 1998. (NOTE: copies can be obtained from the EPA Pollution Line by ringing 131 555)
7. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
8. To contain soil and sediment on the property, run-off and erosion controls in accordance with Council's Erosion & Sediment Control policy are to be implemented prior to clearing of the site vegetation and the commencement of site works, as follows:

- divert uncontaminated run-off around cleared or disturbed areas.
- erect a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times.
- prevent tracking of sediment by vehicles onto roads by constructing a single entry/exit point to the property of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

9. Removal or disturbance of vegetation and top soil must be confined to the driveway footprint and within 3 metres of the building footprint. Remaining vegetation must be protected by suitable guards / barriers to prevent damage during the construction phase.

Stormwater Drainage

10. (a) Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system.
- (b) The drainage system should be installed at the same time as the footings/slab and must be operational as soon as the roof is clad.
11. A subsoil drainage system complying with Part 3.1.2.4 of the BCA must be provided to divert sub-surface water away from the area beneath the building.

Inspections During Construction

12. Notify either the Council or an accredited certifier - 48 hours in writing or 24 hours by phone, fax or e-mail, to inspect the following:
- erosion controls, site works and site set out, prior to commencement of building work.
 - placement of piers or foundation before placing footings.
 - steel reinforcing before pouring concrete.
 - framework of structure before lining or cladding is fixed.
 - stormwater drainage and on-site detention before backfilling.
 - wet areas treated before lining or tiling.
 - completion of the development.

NOTE: The maintenance of erosion controls is to be inspected at each inspection after the commencement of building work.

Termite Treatment Certification

13. Upon installation of a termite management system, a durable notice is to be displayed within the meter box:
- the method of protection used
 - date of installation
 - life expectancy of any chemical system used as listed on the National Registration label, and
 - the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Survey Certificate

14. Where the building is located less than 1.3 metres from a side or rear boundary a survey certificate must be given to the Principal Certifying Authority on completion of floor slab formwork or sub-floor walls as appropriate, detailing the location of the structure to the boundaries.

Site Access

15. Provision of a driveway across the footpath in concrete in accordance with Council standards prior to occupation of the building. Driveways are to be constructed in accordance with Council's Specification for Dwelling Driveways.
16. Where kerb and gutter is provided, driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
17. Where a redundant layback is located at the frontage of the property new concrete kerb and gutter shall be constructed to replace the redundant layback prior to the issue of an occupation certificate.

Bushfire Protection

18. To protect the building from ember and fire attack the development must comply with the following requirements:
 - subfloor areas must be enclosed with masonry or other solid non-combustible material (Lattice work is unsuitable).
 - fire grade sarking should be used (flammability index not greater than five) under all roofing.
 - timber wall cladding shall be painted, smooth faced and have an interlocking profile. Where the cladding is overlapped in lieu of being interlocked, fire grade sarking must be incorporated immediately behind the external wall cladding.
 - any opening including vents on walls etc., are to be sealed with maximum 2mm wire mesh (The opening of a chimney flue or air handling equipment can remain unprotected as long as ceiling access holes are large enough to provide fire fighting access to the roof cavity and command a clear view of the entire roof space).
 - the roof / wall junction shall be constructed so that the eaves or the gaps between rafters are effectively sealed.
 - ridge capping must be sealed.
 - skylights should be constructed of thermoplastic sheets in metal frames with a diffuser at ceiling level of 6mm thick wired or other safety glass, retained in a metal frame. The skylight shaft is to be lined with fire-rated plasterboard, if it is not a vaulted or cathedral ceiling.
 - all external doors are to be fitted with draught seals.

Fire Safety

19. An automatic fire detection alarm system is to be installed in every dwelling and must comply with the requirements of Part 3.7.2.2 of the BCA - Housing Provisions.
NOTE: A smoke detector system complying with AS 3786 and connected to mains electrical power with standby power (battery backup) located outside the entrance to each bedroom and in any storey

Water Management

20. Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets.

Fill

21. Any fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in the Environment Protection Authority's Environmental Guidelines - Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.

Services

22. Arrangements are made with Integral Energy and an approved telecommunications service provider for the extension of services to and within the site.

NOTES:

- a.** The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

PART B

Alterations and extensions, being

- **single storey alterations to detached houses**
- **single storey additions to detached houses**
- **construction of carports, garages and outbuildings associated with a detached dwelling**
- **development ancillary or incidental to detached dwellings**

and complies with the following:

General

- Comprise less than a 50% increase in the existing gross floor area of the dwelling.
- Not within a fire protection zone. In accordance with Council's Development Control Plan No. 26 Building in a Bushfire Prone Area, a fire protection zone is to be maintained on a permanent basis.
- In LEP 1991 zones compliance with the site coverage provisions in clause 10.9 of LEP 1991.
- In LEP 1991 on lots having an area more than 4,000 m² zoned Bushland Conservation, Residential Bushland Conservation or Residential Investigation, located within a Principal Development Area has been approved by Council.

Streetscape

- Carports and garages are no more than 50% of the frontage width or a maximum of 6 metres.
- The original height of the building is unaltered.
- The building complies with a building line provided in an environmental planning instrument or development control plan applying to the land.
- Is setback at least 3 metres from any secondary street frontage or complies with a building line provided in an environmental planning instrument or development control plan applying to the land.

Bulk and Scale

- The finished floor level of the structure at any point is no more than 900mm above natural ground level.
- The distance between the floor level and the underside of the eaves is no more than 2.7 metres.
- The roof pitch is to match the existing and any roof openings are flush with the roof pitch.
- The external wall of any structure is at least 900mm from a side or rear boundary.
- The eaves and roof gutter of any structure are a minimum distance from the side boundary of 0.675m.
- The adjoining property's main area of private open space, and any habitable rooms in that property, are not in shadow between 10 a.m. and 3.00 p.m. on 21 June, as a result of the development.

External Cladding

- The colour and materials of external walls and roof to match the existing.
- Window frames to match the existing.

Privacy and security

- Windows in a habitable room that allow an outlook to a window to a habitable room in the neighbour's house and are within 9 metres:
 - are offset from the edge of one window to the edge of the other by a distance of at least 0.5 metres, or
 - have sill heights of at least 1.7 metres above floor level, or
 - have fixed obscure glazing in any part of the window below 1.7 m above floor level, or
 - the properties are separated by a 1.8 metre high solid common boundary fence.

Open Space and Landscaping

- A minimum of 35% of the site must be maintained as soft landscaping, that is, not a hard surface.
- Not more than one-third of the front setback area is to be paved or sealed.
- No vegetation is to be removed without prior approval granted by Council where subject to the provisions of Council's Tree Preservation Order.
- No construction is to be built or located within the drip line of a tree subject to Council's Tree Preservation Order.

Private Open Space

- Must be directly accessible from a living area of the dwelling and capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play.
- Capable of receiving not less than 3 hours of sunlight between 9 a.m. and 3 p.m. on June 21 over at least 50% of the area of the private open space.
- Private open space shall not be located within any street setback area.

Front Fences and Walls

- Fences and walls, including side and rear boundary fences, located behind the building line shall have a maximum height 1.8m and be constructed of timber or metal.
- Fences and walls located within the building line shall have a maximum height 1m or a maximum height of 1.2m for open construction (decorative or timber or metal picket).
- Brick and masonry fences and walls shall have a maximum height of 1m and comply with AS3700 - Masonry Code and AS 1170 - Loading Code if constructed of masonry.
- Fences and walls located within the building line shall be compatible with the existing streetscape character.
- Shall not prevent the natural flow of stormwater drainage.

(Note: Refer to the schedule of exempt development for additional detail.)

Site Access and Circulation

- The finished level of the driveway to be within a maximum of 500mm from the natural ground level.
- Driveways are a minimum of 500mm from the side boundary.

- Driveways are a minimum 500mm clear of all drainage structures on the kerb and gutter and do not interfere with the existing public utility infrastructure, unless prior approval is obtained from the relevant authority.
- There is a maximum of one driveway crossing per allotment.
- Driveways crossings are a minimum distance of 6m from a road intersection.
- Open carparking spaces, access ways and driveways are to comply with Council's Specification for Dwelling Driveways.

Water and Soil Management

- The land surrounding any structure is graded to divert surface water to the street or other stormwater disposal system and clear of existing and proposed structures and adjoining premises.
- A water and soil management plan which ensures minimum soil erosion and maintenance of downstream water quality during construction is prepared and subsequently implemented.
- The water and soil management plan shall outline practices to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters. Such plan is to be in accordance with Blue Mountains City Council's DCP for Erosion and Sedimentation Control.
- Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter, an approved interallotment drainage system or the existing stormwater drainage system, providing that the existing system is capable of disposing of the total stormwater flow.
- Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets. The performance criteria endorsed by Sydney Water for AAA rating is:
 - Shower heads 9 litres or less per minute
 - Water tap outlets 9 litres or less per minute
 - Dual flush toilet suite 6/3 litre flush cistern or approved dual flush equivalent.

Noise & Vibration Mitigation

- All buildings on sites located within 250 metres of any rail corridor shall have regard to the State Rail publication 'Rail Related Noise and Vibration: Issues to consider in Local Environmental Planning - Development and Building Applications' in relation to the amelioration of noise and vibration impacts.

Other Construction Requirements

- Buildings with slab on ground construction shall not exceed a maximum cut of 900 mm and fill of 500 mm measured vertically above the natural ground level 1m outside the perimeter of the external walls of the building.
- No construction over any registered easement without the approval of the party benefiting from the easement.
- No structure is constructed within 3m of a sewer/water main without the prior approval of the relevant service authority.
- On unsewered lots buildings shall be located to comply with the following minimum buffer distances from the existing septic tank and/or disposal area:
 - (a) 3 metres if the building is upgradient ; and
 - (b) 6 metres if the building is downgradient.

CONDITIONS OF CONSENT

General

1. The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this complying development certificate.
2. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

Before You Begin Work

3. Two days before any site works, building or demolition begins, the applicant must:
 - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority); and
 - notify the adjoining owners in writing that work will commence.
4. Before any site works, building or demolition is started, the applicant or builder must:
 - notify Council of the name, address, phone number and licence number of the builder, and
 - erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
 - provide a temporary on-site toilet at the rate of one toilet for every 20 persons or part of 20 persons employed at the site, and
 - protect any public place from obstruction or inconvenience of the carrying out of the consent, and
 - prevent any substance from falling onto a public place, and
 - comply with any other conditions prescribed by the Environmental Planning and Assessment Regulation 1994.

Hours of Work

5. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays.

Site Management

6. To safeguard local amenity and to prevent environmental damage and/or pollution during the construction period:
 - Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and disposed of in a manner consistent with the Environment Protection Authority's Construction and Demolition Waste Action Plan 1998. (NOTE: copies can be obtained from the EPA Pollution Line by ringing 131 555)
7. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
8. To contain soil and sediment on the property, run-off and erosion controls in accordance with Council's Erosion & Sediment Control policy are to be implemented prior to clearing of the site vegetation and the commencement of site works, as follows:

- divert uncontaminated run-off around cleared or disturbed areas.
- erect a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times.
- prevent tracking of sediment by vehicles onto roads by constructing a single entry/exit point to the property of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

9. Removal or disturbance of vegetation and top soil must be confined to the driveway footprint and within 3 metres of the building footprint. Remaining vegetation must be protected by suitable guards / barriers to prevent damage during the construction phase.

Stormwater Drainage

10. (a) Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system or to an existing stormwater disposal system, where it can be demonstrated that the existing stormwater system is capable of accepting the additional flow.
- (b) The drainage system should be installed at the same time as the footings/slab and must be operational as soon as the roof is clad.
11. A subsoil drainage system complying with Part 3.1.2.4 of the BCA must be provided to divert sub-surface water away from the area beneath the building.

Inspections During Construction

12. Notify either the Council or an accredited certifier - 48 hours in writing or 24 hours by phone, fax or e-mail, to inspect the following:
- erosion controls, site works and site set out, prior to commencement of building work.
 - placement of piers or foundation before placing footings.
 - steel reinforcing before pouring concrete.
 - framework of structure before lining or cladding is fixed.
 - stormwater drainage and on-site detention before backfilling.
 - wet areas treated before lining or tiling.
 - completion of the development.

NOTE: The maintenance of erosion controls is to be inspected at each inspection after the commencement of building work.

Termite Treatment Certification

13. Upon installation of a termite management system, a durable notice is to be displayed within the meter box:
- the method of protection used
 - date of installation
 - life expectancy of any chemical system used as listed on the National Registration label, and
 - the installer's or manufacturer's recommendations for the scope and frequency of future inspections for termite activity.

Survey Certificate

14. Where the building is located less than 1.3 metres from a side or rear boundary a survey certificate must be given to the Principal Certifying Authority on completion of floor slab formwork or sub-floor walls as appropriate, detailing the location of the structure to the boundaries.

Site Access

15. Provision of a driveway across the footpath in concrete in accordance with Council standards prior to occupation of the building. Driveways are to be constructed in accordance with Council's Specification for Dwelling Driveways.
16. Where kerb and gutter is provided, driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
17. Where a redundant layback is located at the frontage of the property new concrete kerb and gutter shall be constructed to replace the redundant layback prior to the issue of a occupation certificate.

Bushfire Protection

18. To protect the building from ember and fire attack the development must comply with the following requirements:
 - subfloor areas must be enclosed with masonry or other solid non-combustible material (Lattice work is unsuitable).
 - fire grade sarking should be used (flammability index not greater than five) under all roofing.
 - timber wall cladding shall be painted, smooth faced and have an interlocking profile. Where the cladding is overlapped in lieu of being interlocked, fire grade sarking must be incorporated immediately behind the external wall cladding.
 - any opening including vents on walls etc., are to be sealed with maximum 2mm wire mesh (The opening of a chimney flue or air handling equipment can remain unprotected as long as ceiling access holes are large enough to provide fire fighting access to the roof cavity and command a clear view of the entire roof space).
 - the roof / wall junction shall be constructed so that the eaves or the gaps between rafters are effectively sealed.
 - ridge capping must be sealed.
 - skylights should be constructed of thermoplastic sheets in metal frames with a diffuser at ceiling level of 6mm thick wired or other safety glass, retained in a metal frame. The skylight shaft is to be lined with fire-rated plasterboard, if it is not a vaulted or cathedral ceiling.
 - all external doors are to be fitted with draught seals.

Fire Safety

19. An automatic fire detection alarm system is to be installed in every dwelling and must comply with the requirements of Part 3.7.2.2 of the BCA - Housing Provisions.
NOTE: A smoke detector system complying with AS 3786 and connected to mains electrical power with standby power (battery backup) located outside the entrance to each bedroom and in any storey

Water Management

20. Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets.

Fill

21. Any fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in the Environment Protection Authority's Environmental Guidelines - Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.

Services

22. Arrangements are made with Integral Energy and an approved telecommunications service provider for the extension of services to and within the site.

NOTES:

- a.** The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

PART C

Swimming Pools

- Ancillary to a dwelling for private use only.

and results in the following:

General

- In LEP 1991 zones compliance with the site coverage provisions in clause 10.9 of LEP 1991.
- In LEP 1991 on lots having an area more than 4,000 m² zoned Bushland Conservation, Residential Bushland Conservation or Residential Investigation, located within a Principal Development Area has been approved by Council.

Streetscape

- The pool is not located between the dwelling and the front boundary.

Bulk, Scale and Location

- The water surface area of the swimming pool does not exceed 50 m².
- All coping and decking is no more than 500mm above natural ground level.
- The pool, including any associated decking is setback a minimum of 1 metre from side and rear boundaries.
- There is pedestrian access around the perimeter of the pool.
- Cut and fill does not exceed 900 mm within the pool curtilage.

Amenity

- The noise level of any filtration equipment or pumps does not exceed 5 dBA above the ambient background level measured at the property boundary.

Water and Soil Management

- A water and soil management plan (the plan) which ensures minimum soil erosion and maintenance of downstream water quality during construction is prepared and subsequently implemented.
- The plan is to outline practices to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters. Such plan is to be in accordance with Blue Mountains City Council's DCP for Erosion and Sedimentation Control.

Installation & Construction

- The installation and construction of the swimming 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.

The Swimming Pool & Surrounding Structures

- The swimming pool and surrounding structures must comply with AS 1926.2-1995 -Swimming Pool Safety - Location of Fencing for Private Swimming Pools.

General

- In unsewered areas swimming pool waste waters are to be disposed of to an approved absorption system located clear of any building or property boundary in accordance with the requirements of Council's Development Control Plan No. 13 Effluent Management for Unsewered Developments.
- On unsewered lots the swimming pool shall be located to comply with the following minimum buffer distances from the existing septic tank and/or disposal area:
 - (a) 3 metres if the swimming pool is upgradient ; and
 - (b) 6 metres if the swimming pool is downgradient.

CONDITIONS OF CONSENT

General

1. The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this complying development certificate.
2. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

Before You Begin Work

3. Two days before any site works, building or demolition begins, the applicant must:
 - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority); and
 - notify the adjoining owners in writing that work will commence.
4. Before any site works, building or demolition is started, the applicant or builder must:
 - notify Council of the name, address, phone number and licence number of the builder, and
 - erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
 - provide a temporary on-site toilet, and
 - protect any public place from obstruction or inconvenience of the carrying out of the consent, and
 - prevent any substance from falling onto a public place, and
 - comply with any other conditions prescribed by the Environmental Planning and Assessment Regulation 1994.

Hours of Work

5. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays.

Site management

6. To safeguard local amenity and to prevent environmental pollution during the construction period:
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - Building operations shall be undertaken on the building block and any pollutants from these building operations shall be contained on site.
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and disposed of in a manner consistent with the Environment Protection Authority's Construction and Demolition Waste Action Plan 1998. (NOTE: copies can be obtained from the EPA Pollution Line by ringing 131 555).
7. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
8. To contain soil and sediment on the property, run-off and erosion controls in accordance with Council's Erosion & Sediment Control policy are to be implemented prior to clearing of the site vegetation and the commencement of site works, as follows:
 - divert uncontaminated run-off around cleared or disturbed areas
 - erect a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times.

	<ul style="list-style-type: none"> prevent tracking of sediment by vehicles onto roads by constructing a single entry/exit point to the property of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Surface water shall be diverted to a sediment filter or trap by a bund or drain located upslope. Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
	<p>9. Removal or disturbance of vegetation and top soil must be confined to within 1 metre of the building footprint. Remaining vegetation must be protected by suitable guards / barriers to prevent damage during the construction phase.</p>
Pool fencing	<p>10. To provide for the safety of small children, the Swimming Pool Act 1992, requires that the owner of the premises must ensure that the swimming pool is at all times surrounded by a child-resistant barrier that:</p> <ul style="list-style-type: none"> separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations. <p>The fence must be a minimum of 1.2 metres high and fitted with a self-closing and self-locking device prior to filling the pool with water. The gate must swing outwards.</p>
Pool waste water	<p>11. The swimming pool waste water shall be disposed of to the sewer or where the property is unsewered to an absorption trench a minimum 3000 mm long by 600 mm wide by 600 deep and located in accordance with these minimum buffer distances:</p> <ul style="list-style-type: none"> 12 metres if upgradient and 6 metres if downgradient of property boundary 6 metres if upgradient and 3 metres if downgradient of swimming pool, driveway and buildings 1.2 vertical metres to bedrock or hardpan.
Filtration equipment	<p>12. To protect the amenity of the area the filtration equipment and/or pump shall housed within a sound-proofed enclosure such that the noise level measured at the property boundary does not exceed 5 dBA above the ambient background level.</p>
Resuscitation chart	<p>13. To assist in the resuscitation of others and to highlight the importance of supervising young children within the pool area, a poster detailing approved resuscitation techniques is required to be affixed in the pool area in a clearly visible position prior to the filling of the pool with water. The poster must display the words "young children should be supervised when using this pool".</p>
Pool inspections	<p>14. Notify either the Council or an accredited certifier - 48 hours in writing or 24 hours by phone, fax or e-mail, to inspect the following:</p> <ul style="list-style-type: none"> Foundation and any steel reinforcing prior to placement of the swimming pool or concrete. The pool safety fencing and provision of a resuscitation chart prior to filling the pool with water. The pool and associated works prior to use.
Pool lighting	<p>15. External pool lighting shall be positioned and / or shielded to prevent glare nuisance to neighbouring properties.</p>

Fill

- 16.** Any fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in the Environment Protection Authority's Environmental Guidelines - Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.

NOTES:

- a.** The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

PART D

Industrial and Warehouse Buildings

- **Additions and alterations to industrial and warehouse buildings on sites that have formed and sealed road access and are serviced with reticulated water, sewer, electricity and telephone and located in zone 4(a) or 4(b) under LEP No. 4 and Light Industrial under LEP 1991.**

and results in the following:

General

- Its use is consistent with the classification of the building under the Building Code of Australia.
- Does not comprise an actually or potentially hazardous or offensive industry.
- The development complies with applicable provisions of the Building Code of Australia and Council's "Performance Standards for the Design of Industrial Development" and DCP No. 29 Car Parking.
- A certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation.

Streetscape

- Any part of the building is at least 8 metres from the front boundary alignment and 18 metres where the frontage is to a main or arterial road.
- Existing landscaping is not removed.
- External cladding:
 - (a) No alterations to the external cladding of existing approved buildings.
 - (b) The external cladding of additions is consistent with that to the existing approved building(s).
- No increase in the number or the width of vehicle footpath crossings.

Floor Space

- The floor space of the addition or alteration does not exceed 200m².
- There is no decrease to the gross floor area used for pedestrian access paths or access to fire exits.

Building Height

- The height of any walls at the eave is no more than 7.2 metres above the natural ground level at any point excluding a parapet.
- Parapets may extend a maximum of 1.2 metres above the intersection of the wall and the roof.
- The roof pitch is to match the existing and should be of no more than 10 degrees.
- The site is not cut or filled greater than 500 millimetres. This does not preclude both cut and fill to a maximum of 500 millimetres.

Carparking, Loading and Unloading

- All required carparking is provided on site behind the required front setback.
- Existing approved carparking spaces, including any garages and carports, remain available for carparking as approved.
- Carparking is provided and constructed in accordance with Council's Development Control Plan No. 29 Car Parking, including where there is an increase in carparking demand resulting from any change of use.
- Adequate manoeuvring area is provided to ensure that vehicles are able to enter and exit the site in a forward direction. Driveway widths and turning circles on-site comply with Roads and Traffic Authority standards.
- There is space for the loading and unloading of vehicles within the site.

Design of Carparking Areas

- Carparking areas are to be constructed in accordance with Council's Development Control Plan No. 31 – Public Infrastructure Works in Subdivisions and Developments and are to include provision for:
 - shade trees and perimeter landscaping to shade parked vehicles and to mitigate the visual impact from public spaces and create attractive and pleasant spaces.
 - safe and convenient pedestrian movement and traffic.
 - adequate manoeuvring and access to individual spaces.
 - vehicles to enter and leave the site in a forward direction.
 - the carparking needs of people with physical disabilities in accordance with Council's DCP No. 29 Carparking.

Landscaping

- A landscaped strip of at least 3 metres to each street frontage is planted with Australian native canopy trees and shrubs with a maximum width of 7 metres for the driveway.
- No vegetation is to be removed without prior approval granted by Council where subject to the provisions of Council's Tree Preservation Order.
- No construction is to be built or located within the drip line of a tree subject to Council's Tree Preservation Order.

Garbage and Storage Areas

- Garbage and storage areas are on-site, located behind the building line of the property and are screened from view from public spaces.

Water and Soil Management

- The land surrounding any structure is graded to divert surface water to the street or other stormwater disposal system and clear of existing and proposed structures and adjoining premises.
- A water and soil management plan which ensures minimum soil erosion and maintenance of downstream water quality during construction is prepared and subsequently implemented.
- The water and soil management plan shall outline practices to control runoff, mitigate soil erosion and trap pollutants before these can reach downslope lands and receiving waters. Such plan is to be in accordance with Blue Mountains City Council's DCP for Erosion and Sedimentation Control.
- Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter, an approved interallotment drainage system or the existing stormwater drainage system, providing that the existing system is capable of disposing of the total stormwater flow.

The drainage system is designed for a 10-year return period, with excess flows designed to flow overland to the street.

- Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets. The performance criteria endorsed by Sydney Water for AAA rating is:
 - Shower heads 9 litres or less per minute
 - Water tap outlets 9 litres or less per minute
 - Dual flush toilet suite 6/3 litre flush cistern or approved dual flush equivalent.

Noise & Vibration Mitigation

- All buildings on sites located within 250 metres of any rail corridor shall have regard to the State Rail publication 'Rail Related Noise and Vibration: Issues to consider in Local Environmental Planning - Development and Building Applications' in relation to the amelioration of noise and vibration impacts.

Hazardous Uses

- There is no storage or use of actually or potentially hazardous or offensive materials.

CONDITIONS OF CONSENT

General

1. The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this complying development certificate.
2. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

Before You Begin Work

3. Two days before any site works, building or demolition begins, the applicant must:
 - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority); and
 - notify the adjoining owners in writing that work will commence.
4. Before any site works, building or demolition is started, the applicant or builder must:
 - notify Council of the name, address, phone number and licence number of the builder, and
 - erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
 - provide a temporary on-site toilet at the rate of one toilet for every 20 persons or part of 20 persons employed at the site, and
 - protect any public place from obstruction or inconvenience of the carrying out of the consent, and
 - prevent any substance from falling onto a public place, and
 - comply with any other conditions prescribed by the Environmental Planning and Assessment Regulation 1994.

Hours of Work

5. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays.

Site Management

6. To safeguard local amenity and to prevent environmental pollution during the construction period:
 - Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and disposed of in a manner consistent with the Environment Protection Authority's Construction and Demolition Waste Action Plan 1998. (NOTE: copies can be obtained from the EPA Pollution Line by ringing 131 555).
7. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
8. To contain soil and sediment on the property, run-off and erosion controls in accordance with Council's Erosion & Sediment Control policy are to be implemented prior to clearing of the site vegetation and the commencement of site works, as follows:

- divert uncontaminated run-off around cleared or disturbed areas
- erect a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times.
- prevent tracking of sediment by vehicles onto roads by constructing a single entry/exit point to the property of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. Surface water shall be diverted to a sediment filter or trap by a bund or drain located upslope.

NOTE: Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

9. Removal or disturbance of vegetation and top soil must be confined to within 3 metres of the building and driveway footprint. Remaining vegetation must be protected by suitable guards / barriers to prevent damage during the construction phase.

Stormwater Drainage

10. (a) Roof and surface water to be disposed of to a piped stormwater drainage system discharging to the street gutter or an approved inter-allotment drainage system or to an existing stormwater disposal system, where it can be demonstrated that the existing stormwater system is capable of accepting the additional flow.
- (b) The drainage system should be installed at the same time as the footings/slab and must be operational as soon as the roof is clad.

Inspections During Construction

11. Notify either the Council or an accredited certifier - 48 hours in writing or 24 hours by phone, fax or e-mail, to inspect the following:
 - erosion controls, site works and site set out, prior to commencement of building work.
 - placement of piers or foundation before placing footings.
 - steel reinforcing before pouring concrete.
 - framework of structure before lining or cladding is fixed.
 - stormwater drainage and on-site detention before backfilling.
 - wet areas treated before lining or tiling.

Survey certificate

12. To ensure that the building does not encroach on the minimum required setbacks and is located within the boundaries of the property, a survey report by a registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding, showing the location of the:
 - footing excavation.
 - building on the site.

Site Access

13. Provision of a driveway across the footpath in concrete in accordance with Council standards prior to occupation of the building. Driveways are to be constructed in accordance with Council's Specification for Dwelling Driveways.
14. Driveways are to be a minimum of 500 millimetres clear of all drainage structures on the kerb and gutter and are not to interfere with the existing public utility infrastructure, including council drainage structures, unless prior approval is obtained from the relevant authority.
15. Driveways are to be a minimum of 6 metres from a road intersection.
16. Where a redundant layback is located at the frontage of the property new concrete kerb and gutter shall be constructed to replace the redundant layback prior to the issue of an occupation certificate.

Car parking	17. Car parking spaces are to be provided on the site in accordance with Council's Carparking Development Control Plan 29, and are to be maintained for use in association with the development. The carparking spaces, driveways and manoeuvring areas are to be constructed in accordance with Council's Development Control Plan No. 31 – Public Infrastructure Works in Subdivisions and Developments.
Services	18. Arrangements are made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services to and within the site
Fire Safety	<p>19. The list of measures contained in the attached Fire Safety Schedule are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 80C of the Environmental Planning and Assessment Regulation 1994.</p> <p>20. Prior to the issue of the occupation certificate (or interim occupation certificate) the owner of the building must cause the certifying authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 79N of the Environmental Planning and Assessment Regulation 1994 for each measure listed in the schedule. The certificate must only be to the effect of Form 15 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.</p> <p>21. Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 80GB of the Environmental Planning and Assessment Regulation 1994 for each measure listed in the schedule. The statement must only be to the effect of Form 15A of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.</p> <p>22. Where a change of use is proposed the building must comply with the category 1 fire safety provisions applicable to the new use.</p>
Water Management	23. Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets.
Fill	24. Any fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in the Environment Protection Authority's Environmental Guidelines - Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.

NOTES:

- a. The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

Fire Safety Schedule

Essential fire safety measure	Minimum standard of performance	Critical fire safety measure	Existing &/or proposed measures
Access, panels, doors and hoppers to fire resisting shafts	Part C3 of BCA 1996		
Automatic fail safe devices	Part C3 of BCA 1996		
Automatic fire detection and alarm systems	AS 1670		
Automatic fire suppression systems	AS 2118		
Emergency lighting	AS 2293		
Emergency lifts	AS 1735		
Emergency warning and intercommunication systems	AS 2220		
Exit signs	AS 1319 AS 2293.1		
Fire control centres and rooms	Spec. E.1.8 BCA 1996		
Fire dampers	AS 1668.1		
Fire doors	AS 1905.1		
Fire hydrant system	AS 2419.1		
Fire seals protecting openings in fire resisting components of the building	AS 4072.1 AS 1530.4		
Fire shutters	AS 1905.2		
Fire windows	Spec. C3.4 BCA 1996		
Fire hose reel system	AS 2441		
Lightweight construction	Part C1.8 BCA 1996		
Mechanical air handling systems	AS 1668.2		
Perimeter vehicle access for emergency vehicles	Part C2.4 BCA 1996		
Portable fire extinguishers	AS 2444		
Safety curtains in proscenium openings	Spec. H1.3 BCA 1996		
Smoke and heat vents	AS 2665		
Smoke dampers	AS 1668.1		
Smoke detectors and heat detectors	AS 3786 AS 1670		
Smoke doors	Spec. C3.4 BCA 1996 AS 1288		
Solid core doors	Part C3.11 BCA 1996		
Stand-by power systems	Spec. G3.8 BCA 1996		
Wall wetting sprinkler and drencher systems	AS 2118		
Warning and operational signs	Part D BCA 1996		

PART E

Commercial Uses and Internal Fitout

- A change of building use between shops, offices and commercial premises that comply with the requirements of an environmental planning instrument or development control applying to that land; and
- Internal fitouts to existing shops, offices or commercial premises, if the work does not increase the total floor area of the building; and
- Internal alterations to a shop or an office, including alterations that alter the load-bearing capacity of load-bearing components

and results in the following:

General

- A certificate of compliance has been obtained for the development, if required, from Sydney Water Corporation.

Streetscape

- All work is contained within the approved envelope of the building.
- New entrances for use by the public directly face the street or pedestrian thoroughfares.

Floor Space

- No more than 1,000m² of floor area is changed from an office to a shop.
- There is no increase in the gross floor area of the currently approved building.
- There is no decrease to the gross floor area used for pedestrian access paths or access to fire exits.

Food Shops

If the new shop is a food shop, then it must comply with the:

- the Food Act 1989;
- the Food (General) Regulation 1997; and
- Council's "Food Premises Code for the Construction, Alteration and Fitout of Food Premises".

Noise

- Development should not result in noise emission which would unreasonably diminish the amenity of the locality. In particular:
 - (a) noise emissions should not exceed the background noise level (L_{A90}) by more than 5 dB(A) when measured at the receiving boundary of residential and other noise sensitive land uses;
 - (b) near existing noise generating activities, development should be reasonably designed to mitigate the effect of that noise; and
 - (c) waste collection and delivery vehicles should not operate in the vicinity of residential uses between 10 pm and 6 am.

Carparking

- Existing approved carparking spaces, including garages and carports, remain available for carparking as approved.
- An increase in carparking demand, resulting from change of building use, is met with the corresponding additional carparking provided on site in accordance with Council's DCP No. 29 Carparking.

Design of Carparking Areas

- Carparking areas are to be constructed in accordance with Council's Development Control Plan No. 31 – Public Infrastructure Works in Subdivisions and Developments and are to include provision for:
 - shade trees and perimeter landscaping to shade parked vehicles and to mitigate the visual impact from public spaces and create attractive and pleasant spaces.
 - safe and convenient pedestrian movement and traffic.
 - adequate manoeuvring and access to individual spaces.
 - vehicles to enter and leave the site in a forward direction.
 - the carparking needs of people with physical disabilities in accordance with Council's DCP No. 29 Carparking.

Mechanical Ventilation

- All ventilation shall comply with the requirements of Australian Standard 1668.1

Water Management

- Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets. The performance criteria endorsed by Sydney Water for AAA rating is:
 - Shower heads 9 litres or less per minute
 - Water tap outlets 9 litres or less per minute
 - Dual flush toilet suite 6/3 litre flush cistern or approved dual flush equivalent.

CONDITIONS OF CONSENT

General

1. The development being completed in accordance with the application and approved plan, and in accordance with the conditions of this consent.
2. All building work must be carried out in accordance with the deemed to satisfy provisions of the Building Code of Australia.

Before You Begin Work

3. Two days before any site works, building or demolition begins, the applicant must:
 - forward Form 7 of the Regulation to Council (notice of commencement of work and appointment of Principal Certifying Authority); and
 - notify the adjoining owners in writing that work will commence.
4. Before any site works, building or demolition is started, the applicant or builder must:
 - notify Council of the name, address, phone number and licence number of the builder, and
 - erect a sign at the front of the property with the builder's name, licence number, site address and the number given by the Council to the application for the complying development certificate, and
 - protect any public place from obstruction or inconvenience of the carrying out of the consent, and
 - prevent any substance from falling onto a public place, and
 - comply with any other conditions prescribed by the Environmental Planning and Assessment Regulation 1994.

Hours of Work

5. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm, excluding public holidays.

Site management

6. To safeguard local amenity and to prevent environmental pollution during the construction period:
 - Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway.
 - Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - Building operations and any pollutants from building operations shall be contained on site.
 - Builders waste must not be burnt or buried on site. All waste must be contained and disposed of in a manner consistent with the Environment Protection Authority's Construction and Demolition Waste Action Plan 1998. (NOTE: copies can be obtained from the EPA Pollution Line by ringing 131 555).

Site Access

7. Provision of a driveway across the footpath in concrete in accordance with Council standards prior to occupation of the building. Driveways are to be constructed in accordance with Council's Specification for Dwelling Driveways.
8. Where a redundant layback is located at the frontage of the property new concrete kerb and gutter shall be constructed to replace the redundant layback prior to the issue of an occupation certificate.

Car parking

9. Car parking spaces are to be provided on the site in accordance with Council's

	Carparking Development Control Plan 29, and are to be maintained for use in association with the development. The carparking spaces, driveways and manoeuvring areas are to be constructed in accordance with Council's Development Control Plan No. 31 – Public Infrastructure Works in Subdivisions and Developments.
Food Premises	10. Compliance with the provisions of the Food Act 1989, the Food (General) Regulation 1997 and Blue Mountains City Council's "Food Premises Code for the Construction, Alteration and Fitout of Premises".
Fire Safety	<p>11. The list of measures contained in the attached Fire Safety Schedule are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 80C of the Environmental Planning and Assessment Regulation 1994.</p> <p>12. Prior to the issue of the occupation certificate (or interim occupation certificate) the owner of the building must cause the certifying authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 79N of the Environmental Planning and Assessment Regulation 1994 for each measure listed in the schedule. The certificate must only be to the effect of Form 15 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.</p> <p>13. Within each 12 months after completion of the building, the owner of the building must cause Council to be given an annual fire safety statement in accordance with Clause 80GB of the Environmental Planning and Assessment Regulation 1994 for each measure listed in the schedule. The statement must only be to the effect of Form 15A of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.</p> <p>14. Where a change of use is proposed the building must comply with the category 1 fire safety provisions applicable to the new use.</p>
Water Management	15. Water conservation devices with AAA ratings must be installed, including tap flow regulators, shower head roses and dual flush toilets.
Services	16. Arrangements to be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services within the site.

NOTES:

- a. The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

Fire Safety Schedule

Essential fire safety measure	Minimum standard of performance	Critical fire safety measure	Existing &/or proposed measures
Access, panels, doors and hoppers to fire resisting shafts	Part C3 of BCA 1996		
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Emergency lifts	AS 1735		
Emergency warning and intercommunication systems	AS 2220		
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Fire control centres and rooms	Spec. E.1.8 BCA 1996		
Fire dampers	AS 1668.1		
Fire doors	AS 1905.1		
Fire hydrant system	AS 2419.1		
Fire seals protecting openings in fire resisting components of the building	AS 4072.1 AS 1530.4		
Fire shutters	AS 1905.2		
Fire windows	Spec. C3.4 BCA 1996		
Fire hose reel system	AS 2441		
Lightweight construction	Part C1.8 BCA 1996		
Mechanical air handling systems	AS 1668.2		
Perimeter vehicle access for emergency vehicles	Part C2.4 BCA 1996		
Portable fire extinguishers	AS 2444		
Safety curtains in proscenium openings	Spec. H1.3 BCA 1996		
Smoke and heat vents	AS 2665		
Smoke dampers	AS 1668.1		
Smoke detectors and heat detectors	AS 3786 AS 1670		
Smoke doors	Spec. C3.4 BCA 1996 AS 1288		
Solid core doors	Part C3.11 BCA 1996		
Stand-by power systems	Spec. G3.8 BCA 1996		
Wall wetting sprinkler and drencher systems	AS 2118		
Warning and operational signs	Part D BCA 1996		

PART F

Subdivision

- **Boundary adjustment between two allotments**
- **Rectify minor encroachment**
- **In sewerred areas only.**

and complies with the following:

- Each lot in the subdivision (both existing and proposed) complies with the minimum allotment areas and dimensions as detailed in the relevant Local Environmental Plan for the lands zoning; and
- One of the proposed allotments includes at least 90% of the land of one of the existing allotments and the other proposed allotment includes at least 90% of the land of the other existing allotment.

CONDITIONS OF CONSENT

Certificates from authorities

1. To ensure satisfactory effluent disposal and utility services are provided to both lots on the subdivision, you are required to submit to Council a certificate of compliance from Sydney Water indicating that reticulated water and sewer has been made available to each lot in the subdivision.

**Subdivision certificate
(linen release)**

- 2 An application for a subdivision certificate is required on completion of all the conditions of development consent. The application is to be lodged with and approved by Council as the consent authority. The application should include the original plan of subdivision plus 5 copies. The location of all buildings and / or other permanent improvements must be shown on 1 copy.

The Subdivision Certificate must be requested within two years of the date of this complying development certificate.

NOTES:

- a. The complying development certificate must be issued in the name of the council or the accredited certifier with an accreditation.

APPENDIX 1 -

Maps of Identified Areas (Part A : Complying Development - Detached Dwellings)



Areas in which Part A applies are identified on the maps by a heavy black line

MAP 1	Blackheath
MAP2	North Katoomba
MAP 3	Wentworth Falls
MAP 4	Bullaburra
MAP 5	Hazelbrook
MAP 6	Faulconbridge
MAP 7	Faulconbridge
MAP 8	Springwood
MAP 9	Winmalee
MAP 10	Blaxland/Glenbrook



















