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

Pursuant to Section 85 & 85(a) of the Environmental Planning and Assessment Act 1979, notice is given that Complying Development Certificate Application No. Z215/16 proposing to change the floor plan by putting in a door to enclose the open living room on land described as Unit 1214 / 30 Glen Street, Milsons Point NSW 20161 was determined by Council under delegated authority by the granting of approval.

Complying Development Certificate
Application No: Z215/16

BCA Classification: Class 2 Residential Unit
Land Use Zone: B4 Mixed Use

Expiry Date of Certificate: 23 August 2021

Plans and Specifications:
- Unnumbered floor Plan issue D, dated 19/08/99, architect not nominated, and received by Council on 4 August 2016.
- Annual Fire Safety Statement by efs Encore Fire Systems also received by Council on 4 August 2016.

Attachments:
- Blank PCA Form notice.
- Schedule of Conditions.

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

I certify that the proposed development is complying development and if carried out as specified in this certificate, will comply with all development standards applicable to the development and with the requirements prescribed by the Environmental Planning and Assessment Regulation 2000 concerning the issue of this certificate.
SIGNATURE: ____________________________

DATE OF ISSUE: 24 August 2016

CERTIFICATE NUMBER: Z215/16

Conditions required by the Environmental Planning & Assessment Regulation 2000

Condition 1

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

(cf clauses 78 and 78A of EP&A Regulation 1994)

(1) A complying development certificate for development that involves any building work must be issued subject to the following conditions:
   (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
   (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.

(1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia (as in force on the date the application for the relevant complying development certificate is made).

(2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.

(3) This clause does not apply:
   (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
   (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.

(4) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.
Condition 2

136B  Erection of signs

(1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   (a) showing the name, address and telephone number of the principal certifying authority for the work, and
   (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
   (c) stating that unauthorised entry to the site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State’s building laws.

(6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

Condition 3

136C  Notification of Home Building Act 1989 requirements

(1) A complying development certificate for development that involves any residential building work within the meaning of the Home Building Act 1989 must be issued subject to a condition that the work is carried out in accordance with the requirements of this clause.

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
   (a) in the case of work for which a principal contractor is required to be appointed:
(i) the name and licence number of the principal contractor, and
(ii) the name of the insurer by which the work is insured under Part 6 of that Act,
(b) in the case of work to be done by an owner-builder:
(i) the name of the owner-builder, and
(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State’s building laws.

Condition 4

136D Fulfilment of BASIX commitments

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

(2) A complying development certificate for development to which this clause applies must be issued subject to a condition that the commitments listed in each relevant BASIX certificate for the development must be fulfilled.

Condition 5

136E Development involving bonded asbestos material and friable asbestos material

(1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions:
(a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001,
(b) the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,
(c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
(d) if the contract indicates that bonded asbestos material or friable asbestos
material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

(2) This clause applies only to a complying development certificate issued after the commencement of this clause.

(3) In this clause, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

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

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

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

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

Condition 6

136H Condition relating to shoring and adequacy of adjoining property

(1) A complying development certificate for development must be issued subject to a condition that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the certificate must at the person’s own expense:

   (a) protect and support the adjoining premises from possible damage from the excavation, and
   (b) where necessary, underpin the adjoining premises to prevent any such damage.

(2) The condition referred to in subclause (1) does not apply if the person having the benefit of the complying development certificate owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.