

Our Ref: J130343

11 July 2013

Pittwater Council
DX 9018
MONA VALE



Attention: Customer Service

Dear Sir/Madam,

Subject: Complying Development Certificate No. J130343
1 Waratah Street, Mona Vale

Reference is made to the application for a Complying Development Certificate in respect of the above property. In that regard we confirm that a Complying Development Certificate No. J130343 was issued on 11 July 2013 pursuant to Councils approvals policy.

Please find enclosed a copy of the Complying Development Certificate issued including all documentation assessed in the determination of the application.

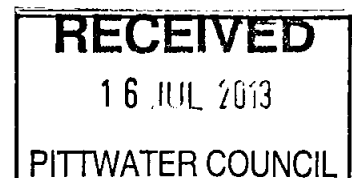
Also please find enclosed a cheque for \$36.00 being the registration fee for the above.

Should you require any further information please contact the undersigned.

Yours faithfully,

per 
Vic Lilli
For **Vic Lilli & Partners**

cc: Mexicano Pty Ltd
 C/ - Provincial Planning
 Level 1, The Pavilion, 280 New Line Road
 DURAL NSW 2158



Encl.

\$36 Rec: 343507 16/7/13

VIC LILLI & PARTNERS - Accredited Building Certifiers

T 02 9715 2555 E info@viclilli.com.au Locked Bag 3013 Burwood NSW 1805. DX 8505
F 02 9715 2333 W www.viclilli.com.au Suite 7, Level 2, 1-17 Elsie Street Burwood NSW 2134
A division of Mondan Management Pty Ltd ABN 60 119 432 094



Our Ref: J130343

11 July 2013

Mexicano Pty Ltd
C/ - Provincial Planning
Level 1, The Pavilion, 280 New Line Road
DURAL NSW 2158

Attention: Kieron Prenter

Dear Kieron,

Subject: Complying Development Certificate No. J130343
1 Waratah Street, Mona Vale

We refer to our engagement in respect of the above and enclose the Complying Development Certificate for such works.

Mandatory inspection of works

The Environmental Planning and Assessment Act 1979 require that the inspections detailed below, known as Critical Stage Inspections, be carried out by the Principal Certifying Authority (PCA) or another Accredited Certifier with the prior consent of the PCA.

The provision of certificates in lieu of mandatory inspections (ie Engineer's or waterproofing certificates) is not acceptable at any time.

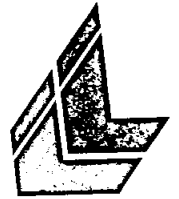
It is necessary for the following inspections to be carried out in relation to the proposed works.

Class 1 & 10 buildings

- After excavation for, and prior to the placement of, any footings, and
- Prior to pouring any in-situ reinforced concrete building element, and
- Prior to covering of the framework for any floor, wall, roof or other building element, and
- Prior to covering waterproofing in any wet areas, and
- Prior to covering stormwater drainage connections, and
- In the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992) has been erected,
- After the building work has been completed and prior to any occupation certificate being issued in relation to the buildings.

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VIC LILLI
&PARTNERS

Class 2, 3 & 4 buildings or parts of building

- After the commencement of the excavation for, and before the placement of the first footing.
- Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building, and
- Prior to covering any stormwater drainage connections, and
- In the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992) has been erected,
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5-9 buildings or parts of buildings

- After the commencement of the excavation for, and before the placement of the first footing.
- Prior to covering any stormwater drainage connections, and
- In the case of a swimming pool, as soon as practicable after the barrier (if one is required under the Swimming Pools Act 1992) has been erected,
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Builder to Arrange Critical Stage Inspections

The Principal Contractor for the building site is responsible for ensuring that the Principal Certifying Authority is given notice of at least at least 48 hours if a Critical Stage Inspection is required.

Should you require any further information please contact the undersigned.

Yours faithfully,

per 
Vic Lilli
for Vic Lilli & Partners

Encl.



COMPLYING DEVELOPMENT CERTIFICATE
No. J130343

FOR

MEXICANO PTY LTD
C/ - PROVINCIAL PLANNING

PREMISES

1 WARATAH STREET, MONA VALE

Date: 11 July 2013

Ref: J130343

COMPLYING DEVELOPMENT CERTIFICATE No J130343

COMPLYING DEVELOPMENT CERTIFICATE

Issued under the
Environmental Planning and Assessment Act 1979 – Division 3, Sections 84 – 87
Environmental Planning and Assessment Regulation 2000 – Part 7, Division 2



Property to which this certificate relates

Address 1 Waratah Street, MONA VALE NSW 2103
Lot No 1 DP 562736
Land Use Zone 3 (a) General Business "A"

Applicant

Name Mexicano Pty Ltd
C/ - Provincial Planning
Address Level 1, The Pavillon,
280 New Line Road, DURAL NSW 2158

Description of Development

This Complying Development Certificate relates to the internal and external alterations to an existing commercial tenancy approved pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Determination

The determination of this Complying Development Certificate has been made on the basis of the documentation contained in the annexures to this certificate.

The determination of this Complying Development Certificate has been made under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and is subject to conditions listed in Annexure 2.

I **Valerio Lilli** certify that the proposed development is a complying development (and if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by the Environmental Planning and Assessment Regulation 2000 concerning the issue of this certificate

The building works will be Class 6 under the Building Code of Australia when completed in accordance with this certificate

Certificate Number J130343
Date of endorsement 11 July 2013
The date that this Certificate lapses 11 July 2018

Signature
Accredited Certifier
Accreditation Body
Registration No


Valerio Lilli
Building Professionals Board
BPB0229

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COMPLYING DEVELOPMENT CERTIFICATE No J130343

FIRE SAFETY MEASURES THAT FORM PART OF THIS CERTIFICATE

Issued in accordance with 168 (1) (c) of the Environmental Planning and Assessment Regulation 2000



Existing Fire Safety Measures

Nil

Proposed Fire Safety Measures

Measure	Installation Standard
Portable fire extinguishers	BCA Clause E1.6, AS 2444-2001

COMPLYING DEVELOPMENT CERTIFICATE No J130343



The following documentation assessed in the determination of Complying Development Certificate Application J130343 forms part of this Certificate.

**Annexure 1 – Schedule of Plans and Specification that form part of
Complying Development Certificate** 1 page

Annexure 2 – Supporting Documentation

Complying Development Certificate Application	11 pages
Exempt and Complying Development Conditions	6 pages
Other Supporting Documentation	
Pre-Issue Inspection Report	1 page
Evidence of payment of Council Fees	
Long Service Levy Payment	1 page

ANNEXURE 1

Plans and Specification that form part of Complying
Development Certificate

COMPLYING DEVELOPMENT CERTIFICATE No. J130343



Architectural documentation & specification as prepared by **Studio ML**

Drawing No.	Revision	Title	Date
CDC03	A	Proposed Alterations East Elevation / Specifications	June 2013
CDC04	B	Proposed Alterations Section A-A	July 2013
CDC01	A	Proposed Alterations Ground Floor	June 2013
CDC02	B	Proposed Alterations Ground Floor	July 2013

ANNEXURE 2

Supporting Documentation



Application for a Complying Development Certificate

Information for the Applicant

- This form may be used to apply for a complying development certificate (a "CDC") to carry out development classed as "complying development". To complete this form, please place a cross in the relevant boxes, fill out the white sections as appropriate and attach copies of all documents indicated in the form as being required to be provided. To minimise delay in receiving a decision about the application, please ensure that all relevant information and documents are provided.
- Once completed, this application form should be submitted to a "certifying authority" for determination. Certifying authorities are either a private accredited certifier (which may be either an individual or a company) or the Local Council. A list of private accredited certifiers can be obtained from the Building Professionals Board at <http://www.bpb.nsw.gov.au/page/for-consumers/find-a-certifier/>.
- It is recommended that applicants should obtain a planning certificate issued under s.149 Environmental Planning and Assessment Act 1979 from the Local Council and provide it to the certifying authority with this application. This may expedite the determination of the application.
- A single application for a CDC maybe made for development comprising the concurrent construction of new single storey or two storey dwelling houses if each is to be erected on existing adjoining lots.
- If the certifying authority issues a CDC, the Applicant (or a subsequent owner of the land on which the development is proposed to be carried out) has permission to carry out the development without the need to obtain further development consent.

However, depending upon factors such as the type of development, the location of the development and whether there will be external work or activities involved (eg. road opening, use of footpath areas) there may still be a need to obtain other approvals in order for the work involved to be performed. A list of the possible additional approvals that may be required can be obtained from the Department of Planning at www.planning.nsw.gov.au. In order to avoid potential delays in commencing any work, Applicants should ascertain whether other approvals will be needed, and if so, the stage at which they will be required.

SECTION A: Details of the Applicant

Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other:

First name

Kieron

Family name

Prenter

Company (if applicable)

Mexicano Pty Ltd

ABN (if applicable)

Unit/Street no.

Street name

C/-Provincial Planning, Level 1, The Pavilion, 280 New Line Rd

Suburb or town

DURAL

State

NSW

Postcode

2158

Daytime telephone

0407 434869

Fax

Mobile

Email

joe@provincial.com.au

SECTION B: Location and title details of the land where the development is to be carried out

Flat/street no.

1

Street name

Waratah street

Suburb or town

Mona Vale

Postcode

Lot no.

1

Section

DP / SP no.

DP562736

Volume/folio

SECTION C: Describe the development proposed to be carried out
Provide a brief description of the development. For example, if a dwelling is proposed, include information such as the type of building (house, townhouse, villa etc), the number of floors, the number of bedrooms, the major building material (brick, brick veneer, timber clad etc).
Internal alterations and shopfront to existing food premises (restaurant)

SECTION D. Estimated cost of the development

\$

\$32,000

The contract price, or if there is no contract a genuine and accurate estimate, for all labour and material costs associated with all demolition and construction required for the development, including the cost of construction of any building and the preparation of a building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment). GST is also to be included.

SECTION E. Environmental planning instrument

Provide the name of the "environmental planning instrument" (*see - definition below) under which the development is complying development.

If the development is specified as complying development by a "development control plan" (*see - definition below) referred to in an environmental planning instrument, also provide the name of that development control plan.

Note: The criteria for complying development may vary between environmental planning instruments. You must nominate which instrument this Application is to be assessed under.

☒ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

OR

☐ Other environmental planning instrument (EPI)

Name of EPI

Name of Development

Control Plan (if applicable)

***Environmental planning instruments (EPI)** are State Environmental Planning Policies and Local Environmental Plans. Complying development is commonly, but not always, authorised under either the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, or a Local Environmental Plan of the Council for the area where the development is to be carried out.

Development Control Plan. An EPI may refer to another instrument called a "Development Control Plan" (DCP) which contains more detailed provisions which support the EPI. A DCP may specify certain development as being complying development under the EPI.

SECTION F. Asbestos

If any bonded asbestos material or friable asbestos material will be disturbed, repaired or removed in carrying out the development, what is the estimated area of the material?

NIL square metres

SECTION G. Attachments relating to the proposed development

Applicants must provide the documents listed below that are relevant to the type of development that is proposed. Please confirm that documents relating to the requirements below have been attached by placing a cross in the appropriate box(s). Applicants should confirm with the certifying authority how many copies of documents are required to be provided prior to lodging this application.

1. Attachments for fire link conversions

Does the Application relate ONLY to a fire link conversion? ☐ No

If 'Yes' provide a document that describes the design and construction, and mode of operation, of the new fire alarm communication link.

2. Attachments for developments other than fire link conversions

✓ A site plan of the land

Provide a site plan indicating:

- (a) the location, boundary dimensions, site area and north point of the land,
- (b) existing vegetation and trees on the land,
- (c) the location and uses of existing buildings on the land,
- (d) existing levels of the land in relation to buildings and roads,
- (e) the location and uses of buildings on sites adjoining the land.

✓ A sketch of the development

Provide a sketch which indicates:

- (a) the location of any proposed buildings or works (including extensions or additions to existing buildings or works) in relation to the land's boundaries and adjoining development,
- (b) floor plans of any proposed buildings showing layout, partitioning, room sizes and intended uses of each part of the building,
- (c) elevations and sections showing proposed external finishes and heights of any proposed buildings (other than temporary structures),
- (d) elevations and sections showing heights of any proposed temporary structures and the materials of which any such structures are proposed to be made (using the abbreviations set out in SECTION P),
- (e) proposed finished levels of the land in relation to existing and proposed buildings and roads,
- (f) proposed parking arrangements, entry and exit points for vehicles, and provision for movement of vehicles within the site (including dimensions where appropriate),
- (g) proposed landscaping and treatment of the land (indicating plant types and their height and maturity),
- (h) proposed methods of draining the land,
- (i) in respect of BASIX affected development, such other matters as any BASIX certificate(s) requires to be included on the sketch. (See-BASIX NOTES at the end of this Section)
- (j) in respect of BASIX optional development for which a BASIX certificate(s) has been obtained, such other matters as the BASIX certificate(s) requires to be included on the sketch. (See-BASIX NOTES at the end of this Section)

Does the development involve subdivision work? **No**

If 'Yes' provide appropriate subdivision work plans and specifications, which are to include:

- (a) details of the existing and proposed subdivision pattern (including the number of lots and the location of roads),
- (b) details as to which public authorities have been consulted with as to the provision of utility services to the land concerned,
- (c) detailed engineering plans as to the following matters:
 - (i) earthworks,
 - (ii) roadworks,
 - (iii) road pavement,
 - (iv) road furnishings,
 - (v) stormwater drainage,
 - (vi) water supply works,
 - (vii) sewerage works,
 - (viii) landscaping works,
 - (ix) erosion control works,
- (d) copies of any compliance certificates to be relied on.

Does the development involve a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure or work that relates only to fire link conversion)? No

If 'Yes' provide:

- (a) a list of the Category 1 fire safety provisions that currently apply to the existing building,
- (b) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

Does the development involve building work (including work in relation to a dwelling-house or a building or structure that is ancillary to a dwelling-house)? Yes

If 'Yes' provide:

(1) A detailed description of the development by completing SECTION P.

(2) Appropriate building work plans and specifications, which are to include:

- (a) detailed plans, drawn to a suitable scale and consisting of a block plan and a general plan, that show:
 - (i) a plan of each floor section, and
 - (ii) a plan of each elevation of the building, and
 - (iii) the levels of the lowest floor and of any yard or unbuilt on area belonging to that floor and the levels of the adjacent ground, and
 - (iv) the height, design, construction and provision for fire safety and fire resistance (if any),
- (b) specifications for the development:
 - (i) that describe the construction and materials of which the building is to be built and the method of drainage, sewerage and water supply, and
 - (ii) that state whether the materials to be used are new or second-hand and (in the case of second-hand materials) give particulars of the materials to be used,
- (c) a statement as to how the performance requirements of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
- (d) a description of any accredited building product or system sought to be relied on for the purposes of section 85A (4) of the Environmental Planning and Assessment Act 1979**,
- (e) copies of any compliance certificate to be relied on,
- (f) if the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building,
- (g) in respect of BASIX affected development, such other matters as the BASIX certificate(s) requires to be included in the plans and specifications. (See-BASIX NOTES at the end of this Section)
- (h) in respect of BASIX optional development for which a BASIX certificate(s) has been obtained, such other matters as the BASIX certificate(s) requires to be included in the plans and specifications. (See-BASIX NOTES at the end of this Section)

** S.85A(4) EP&A Act provides that a certifying authority must not refuse an Application on the ground that any building product or system does not comply with a requirement of the Building Code of Australia if the building product or system is accredited in respect of that requirement in accordance with the EP&A Regulation 2000.

Does the development involve building work (other than work in relation to a dwelling-house or a building or structure that is ancillary to a dwelling-house)? Yes

If 'Yes' provide:

- (a) a list of any existing fire safety measures provided in relation to the land or any existing building on the land, and
- (b) a list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

Does the development involve the erection of a wall to a boundary that has a wall less than 0.9m from the boundary? No

If 'Yes' provide:

A report by a professional engineer (within the meaning of the BCA) outlining the proposed method of supporting the adjoining wall.

Does the development involve the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary? No

If 'Yes' provide:

A report by a professional engineer (within the meaning of the BCA) outlining the proposed method of maintaining support for the adjoining wall after the demolition or removal.

Does the development involve the erection of a temporary structure? No

If 'Yes' provide:

- (a) documentation that specifies the live and dead loads the temporary structure is designed to meet,
- (b) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,
- (c) in the case of a temporary structure proposed to be used as a place of public entertainment - a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),
- (d) documentation describing any accredited building product or system sought to be relied on for the purposes of section 85A (4) of the Act,
- (e) copies of any compliance certificates to be relied on.

Does the development involve the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant? Yes

If 'Yes' complete the relevant portion(s) of the following statement:

The maximum number of persons proposed to occupy, at any one time, that part of the building used as:

- an entertainment venue is persons.
- a function centre is persons.
- a pub is persons.
- a registered club is persons.
- a restaurant is persons.

Does the development involve building work (see - note below) in respect of which an alternative solution under the Building Code of Australia ("BCA") in respect of a fire safety requirement is proposed? No

If 'Yes' provide:

Either or both of the following from a "fire safety engineer" (i.e. a private accredited certifier holding Category C10 accreditation):

- (a) a compliance certificate (as referred to in s.109C(1)(a)(v) EP&A Act) that certifies that the alternative solution complies with the relevant performance requirements of the BCA.
- (b) a written report that includes a statement that the alternative solution complies with the relevant performance requirements of the BCA.

NOTE

The above requirement only applies to building work in respect of:

- (a) a class 9a building that is proposed to have a total floor area of 2000 square metres or more, and

(b) any building (other than a class 9a building) that is proposed to have:

- (i) a fire compartment with a total floor area of more than 2000 square meters, or
- (ii) a total floor area of more than 6000 square meters,

that involves an alternative solution under the BCA in respect of the requirements set out in EP1.4, EP2.1, EP2.2, DP4 and DP5 in Volume 1 of the BCA.

Does the proposed development comprise internal alternations to, or changes of use of, an existing building that is subject to an alternative solution relating to a fire safety requirement under the BCA?

No

If 'Yes' provide:

A written report by another accredited certifier who is accredited for the purpose of issuing a CDC for a building of that kind, which includes a statement that the proposed development is consistent with that alternative solution.

Does the Application involve a BASIX affected development, or a BASIX optional development for which a BASIX certificate has been obtained? **No**

If 'Yes' provide:

- (a) the BASIX certificate(s) for the development (being a certificate(s) that has been issued no earlier than 3 months before the date of the Application being made, and
- (b) such other documents as the BASIX certificate(s) for the development requires to accompany the Application.

(See-BASIX NOTES at the end of this Section)

BASIX NOTES

BASIX (the Building Sustainability Index) is a system introduced by the NSW Government to ensure that homes are built to be more energy and water efficient.

BASIX is an on-line program that assesses a building's design, and compares it against energy and water reduction targets. The design must meet these targets before a BASIX Certificate can be printed from the on-line facility.

Any changes made to a building's design after a BASIX Certificate has been issued means that another BASIX assessment must be completed and a new BASIX Certificate obtained.

Buildings which are affected by the BASIX system ("**BASIX affected buildings**") are those that contain one or more dwellings (but do not include hotels or motels).

A BASIX Certificate **MUST** be obtained for every "**BASIX affected development**", which are any of the following developments (other than development that is "**BASIX excluded development**"-see below):

- (a) development that involves the erection (but not the relocation) of a BASIX affected building,
- (b) development that involves a change of building use by which a building becomes a BASIX affected building,
- (c) development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimated construction cost of the development is \$50,000 or more,
- (d) development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that services or service only one dwelling and that has a capacity, or combined capacity, of 40,000 litres or more.

BASIX excluded development is

- (a) development for the purpose of a garage, storeroom, car port, gazebo, verandah or awning,
- (b) alterations, enlargements or extensions to a building listed on the State Heritage Register under the *Heritage Act 1977*,
- (c) alterations, enlargements or extensions that result in a space that cannot be fully enclosed (for example, a veranda that is open or enclosed by screens, mesh or other materials that permit the free and uncontrolled flow of air), other than a space can be fully enclosed but for a vent needed for the safe operation of a gas appliance,
- (d) alterations, enlargements or extensions that the Director-General has declared, by order published in the Gazette, to be BASIX excluded development.

A BASIX Certificate **MAY** be obtained for certain developments by an Applicant even though there is no obligation to do so. This is called "**BASIX optional development**".

BASIX optional development means any of the following development that is not BASIX excluded development:

- (a) development that involves the alteration, enlargement or extension of a BASIX affected building, where the estimate of the construction cost of the development is less than \$50,000
- (b) development for the purpose of a swimming pool or spa, or combination of swimming pools and spas, that services or service only one dwelling and that has a capacity, or combined capacity, of less than 40,000 litres.

If the proposed development involves the alteration, enlargement or extension of a BASIX affected building that contains more than one dwelling, a separate BASIX certificate is required for each dwelling concerned.

Further information about BASIX and to obtain a BASIX Certificate, go to <http://www.basix.nsw.gov.au>. You should review the website to determine whether your development is affected or exempt from the BASIX provisions.

SECTION H List of Documents

Prepare and attach a list of all of the documents provided under SECTION G.

SECTION I Copyright

Information for the Applicant: Upon an application being made for a complying development certificate, the Applicant (not being entitled to copyright) is taken to have indemnified all persons using the application and any accompanying documents in accordance with the Act against any claim or action in respect of breach of copyright (See Cl.129 EP&A Regulation 2000).

SECTION J Authority to enter and inspect land

Information for the Applicant: A certifying authority must not issue a complying development certificate for development unless the certifying authority, or an accredited certifier or council on behalf of the certifying authority, has carried out an inspection of the site of the development.



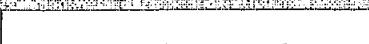
By signing this Application, the Applicant, and if the Applicant is not the owner of the property, the owner also, authorise the certifying authority, or an accredited certifier or council, to enter the subject property at any reasonable time for the purpose of carrying out an inspection in connection with the assessment of this Application. The Applicant and the owner undertake to take all necessary steps make access available to the property to enable the inspection to be carried out.

SECTION K Long Service Payment Levy

Information for the Applicant: Where a certifying authority completes a complying development certificate, that certificate must not be forwarded or delivered to the Applicant unless any long service payment levy payable under s.34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid.

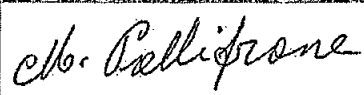
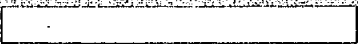

The Applicant should attach a copy of a receipt for any long service payment levy that has been made or make arrangements for a copy to be available to be provided to the certifying authority in the event that a complying development certificate is completed.

SECTION L Signature of Applicant(s)

Signature of Applicant(s)		Name(s)	Kieron Prenter
			
Date	10 / 7 / 13		

SECTION M Consent of owner(s)

Note: If the Applicant is not the owner of the property, the owner(s) must sign the following statement.
As the owner(s) of the above property, I/we consent to this application.

Signature of owner(s)		Name(s)	Maria Pollifrone Director JAK Pollivesc Pty Ltd
			
Date	09.07.13		

SECTION N: Delivery of the Application
<p><u>Information for the Applicant.</u> Applications for complying development certificates must be delivered:</p> <ul style="list-style-type: none">• by hand, or• sent by post, or• transmitted electronically <p>to the principal office of the certifying authority.</p> <p>Applications MAY NOT be sent by facsimile transmission.</p>
SECTION O: Date of Receipt of Application
<p>To be completed by the certifying authority immediately after receiving this Application.</p> <p>This Application was received on <div><div>RECEIVED</div><div>10 JUL 2013</div></div> (insert date).</p>

NOTE: COMPLETE SECTION P ON FOLLOWING PAGE
BY:

N/A

SECTION P. Description of the development

1. For each proposed new building, indicate:

- The number of storeys (including underground storeys) in the building
- The gross floor area of the building (in square metres)
- The gross site area of the land on which the building is to be erected (in square metres)

2. For each proposed new residential building, indicate:

- The number of existing dwellings on the land on which the new building is to be erected
- The number of those existing dwellings that are to be demolished in connection with the erection of the new building
- The number of dwellings to be included in the new building
- Whether the new building is to be attached to any existing building
- Whether the new building is to be attached to any other new building
- Whether the land contains a dual occupancy
- The materials to be used in the construction of the new building by completing the table below

Place a cross in each appropriate box.

Walls	Code	Roof	Code	Floor	Code	Frame	Code
Brick (double)	11	Tiles	10	Concrete/slate	20	<input type="checkbox"/> Timber	40
<input type="checkbox"/> Brick (veneer)	12	<input type="checkbox"/> Concrete/slate	20	<input type="checkbox"/> Timber	40	<input type="checkbox"/> Steel	60
<input type="checkbox"/> Concrete/stone	20	<input type="checkbox"/> Fibre cement	30	<input type="checkbox"/> Other	80	<input type="checkbox"/> Aluminium	70
<input type="checkbox"/> Fibre cement	30	<input type="checkbox"/> Steel	60	<input type="checkbox"/> Not specified	90	<input type="checkbox"/> Other	80
<input type="checkbox"/> Timber	40	<input type="checkbox"/> Aluminium	70			Not specified	90
<input type="checkbox"/> Curtain glass	50	<input type="checkbox"/> Other	80				
<input type="checkbox"/> Steel	60	<input type="checkbox"/> Not specified	90				
<input type="checkbox"/> Aluminium cladding	70						
<input type="checkbox"/> Timber/ weatherboard	40						
<input type="checkbox"/> Other	80						
<input type="checkbox"/> Not specified	90						

PART 1

Prescribed Conditions from the
Environmental Planning & Assessment Regulations 2000.

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

- 1) If the development subject of this complying development certificate involves any building work, it is subject to the following conditions:
 - a) 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.
 - c) 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.
- 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 136B - Erection of signs:

- 1) If the development subject of this complying development certificate involves any building work, it is subject to the following conditions:
- 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:
 - i. showing the name, address and telephone number of the principal certifying authority for the work, and
 - ii. 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
 - iii. 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 136C - Notification of Home Building Act 1989 requirements:

- 1) If the development subject of this complying development certificate involves any building work, it is subject to the following conditions:
- 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 136E - Development involving bonded asbestos material and friable asbestos material:

- 1) If the development subject of this complying development certificate involves any building work, it is 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 136H - Condition relating to shoring and adequacy of adjoining property

- 1) If the development subject of this complying development certificate 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.

PART 2

PREScribed CONDITIONS FROM RELEVANT PLANNING INSTRUMENT.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT & COMPLYING DEVELOPMENT CODES) 2008:

PART 5 - GENERAL COMMERCIAL & INDUSTRIAL CODE:

Note 1. Complying development must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2000 and the conditions listed in this Part.

Note 2. A contributions plan setting out the contribution requirements towards the provision or improvement of public amenities or public services may specify that an accredited certifier must, under section 94EC of the Act, impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with that plan. Contributions may be imposed in respect of development on certain land under section 61 the City of Sydney Act 1988.

Subdivision 1 Conditions applying before works commence

5.13 Protection of adjoining areas

A hoarding or a temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

Note. See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

5.14 Toilet facilities

(1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

(2) Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- (c) be a temporary chemical closet approved under the Local Government Act 1993.

5.15 Garbage receptacle

(1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.

(2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

Subdivision 2 Conditions applying during the works

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

5.16 Hours for construction

Construction that is audible in any dwelling on an adjoining lot may only be carried out between 7.00 am and 8.00 pm on Monday to Saturday.

5.17 Compliance with plans

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

5.18 Maintenance of site

(1) Building materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

(2) Waste materials must be disposed of at a waste management facility.

(3) The work site must be left clear of waste and debris at the completion of the works.

Subdivision 3 Construction requirements

5.19 Utility services

If the complying development requires alteration to, or the relocation of, utility services on the lot on which the complying development is carried out, the complying development is not complete until all such works are carried out.

5.20 Mechanical ventilation systems

If the complying development is a mechanical ventilation system that is a **regulated system** in **regulated premises** within the meaning of the Public Health Act 1991, the system must be notified as required by the Public Health (Microbial Control) Regulation 2000, before an occupation certificate (whether interim or final) for the complying development is issued.

5.21 Food businesses

If the complying development is a **food business** within the meaning of the Food Act 2003, the food business must be notified as required by that Act or licensed as required by the Food Regulation 2004, before an occupation certificate (whether interim or final) for the complying development is issued.

5.22 Premises where skin penetration procedures are carried out

If the complying development involves premises at which a **skin penetration procedure** within the meaning of the Public Health Act 1991 will be carried out, the premises must be notified as required under the Public Health (Skin Penetration) Regulation 2000 before an occupation certificate (whether interim or final) for the complying development is issued.

PRE ISSUE INSPECTION REPORT
CONSTRUCTION CERTIFICATE/COMPLYING DEVELOPMENT CERTIFICATE
 (Clause 129B & 143B of the Environmental Planning and Assessment Regulation 2000)

Address: <u>1 Waratah Street</u> <u>Mona Vale NSW 2101</u>	CC No: _____ CDC No: <u>130343</u>
DA No: _____	Application date (CDC only): <u>10/7/13</u>


Type of Inspection: <u>Pre Issue</u>	Date of Inspection: <u>2/7/13</u>
--------------------------------------	-----------------------------------

Current Fire Safety Measures in the existing building the subject of the inspection: <u>NIL</u>

Do the plans and specifications accompanying the application for the Construction Certificate / Complying Development Certificate adequately and accurately depict the condition of the existing building the subject of the inspection: <u>Yes</u> / No (If no, please provide details below)

Are there any features of the site, or of any building on the site, that would result in the proposed development the subject of the application for the complying development certificate:- not being complying development, or not complying with the Building Code of Australia: (CDC only) <u>Yes</u> / No (If yes, please provide details below)

Has any building or subdivision work authorised by the relevant development consent commenced on the site: <u>Yes</u> / No (If yes, please provide details below)

Name: <u>Vic Lilli</u>	Position: <u>Certifier</u>
Accreditation No. <u>0229</u>	
Date: <u>2/7/13</u>	Signed: 



Levy Online Payment Receipt

Building and Construction

MEXICANO
C/- PROVINCIAL PLANNING,
THE PAVILION, 280 NEW LINE ROAD
DURAL NSW 2158

Long Service Corporation
Level 1
19-21 Watt Street
Gosford NSW 2250
Locked Bag 3000
Central Coast MC NSW 2252
Tel: 13 14 41
Fax: (02) 9287 5685
Email: info@longservice.nsw.gov.au
www.longservice.nsw.gov.au
ABN 93 646 090 808

Application Details:

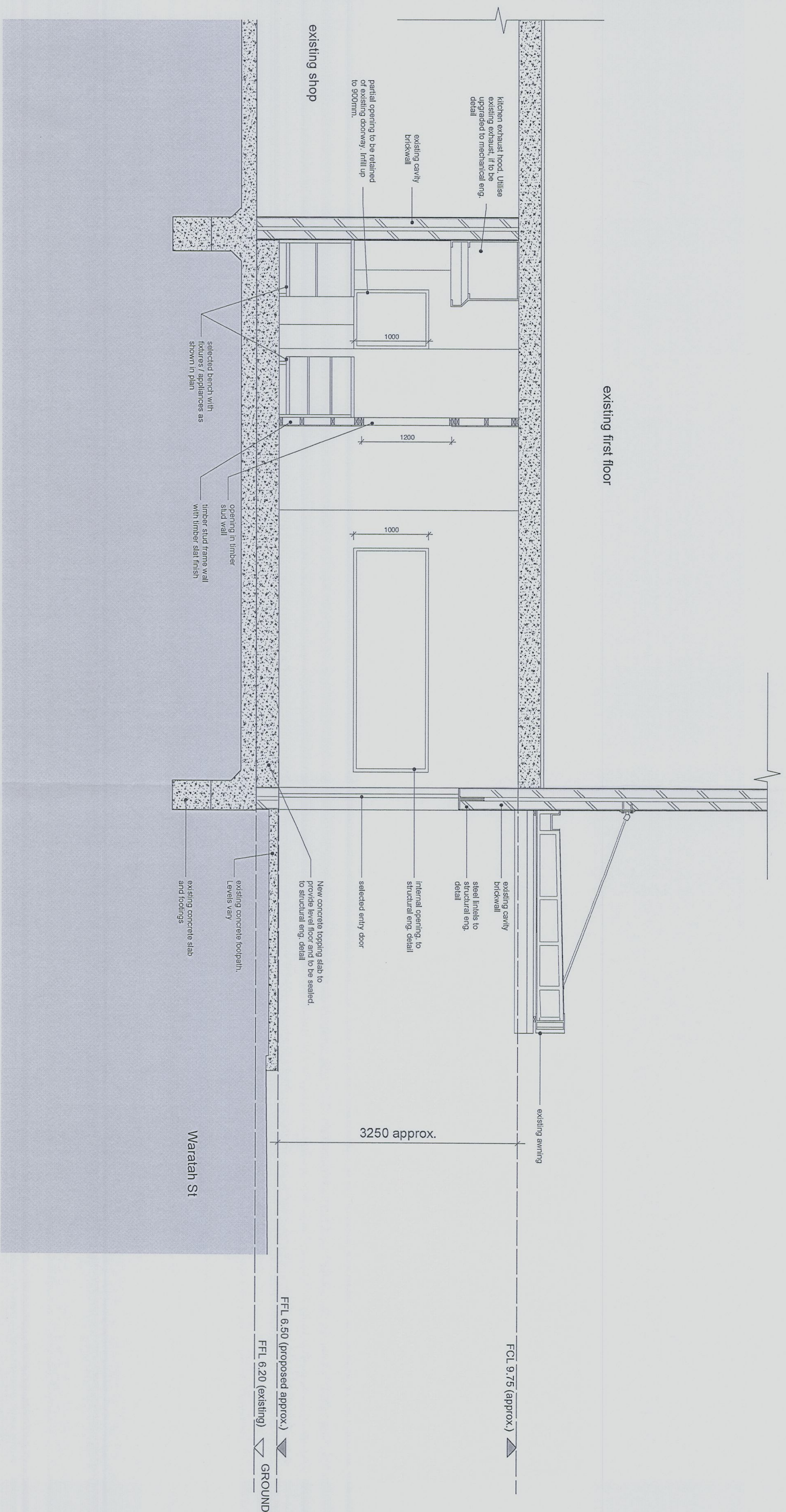
Applicant Name:	MEXICANO
Levy Number:	5047092
Application Type:	CDC
Application Number:	J130343
Approving Authority:	PITTWATER COUNCIL

Work Details:

Site Address:	1 WARATAH STREET MONA VALE NSW 2101
Value of work:	\$32,000
Levy Due:	\$112.00

Payment Details:

LSC Receipt Number:	141732
Payment Date:	11/07/2013 3:22:57 PM
Bank Payment Reference:	708841855
Levy Paid:	\$112.00
Credit card surcharge:	\$0.45
Total Payment Received:	\$112.45



04 Section A - A
1:50@A3

KEY	<ul style="list-style-type: none"> - Dimensions in millimeters. - Confirm all dimensions on site prior to commencing work. - Use fixed dimensions only. - Do not scale. - If dimensions exists notify designer. - If in doubt ask. 	RE/NO	REVISION	DATE
cp chrome plate	gt gas top	A	Complying Development Certificate	June 2013
cr cash register	gw wash	B	Amended for structure	July 2013
df deep fry	lm ice machine			
dwh dishwasher	ot outdoor table			
ex fire ext.	s sink			
fr 2 door freezer	t table			
fw floor waste				
h 3 door fridge				
h2 2 door fridge				
g grill				

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1 Waratah Street, Mona Vale

Proposed Alterations Section A - A

design : **STUDIO ML**

residential : multi - unit dwellings : alterations & additions : commercial : planning

1:50@A3

1378

DATE

JUNE 2013

JOB

CDC04

Revision

B

DWG No.

CDC04

Complying Development Certificate

Proposed Alterations to Food Premises

1 Waratah Street, Mona Vale

(Lot 1 D.P. 562736)

CDC01	Site Plan and Notes	1:200
CDC02	Ground floor plan	1:100
CDC03	Street Elevation (North East)	1:100
CDC04	Section A - A	1:100

- These drawings are to be referred to and read in conjunction with all structural and other consultants drawings & specifications.
- Do not scale dimensions. All dimensions to be verified on site. Dimensions in millimetres. Confirm all dimensions prior to commencing work.
- If discrepancy exists notify architect/ project manager.
- Window dimensions and locations to be verified on site.
- Repair all interior wall and ceiling linings and floor finishes.
- All workmanship and materials in accordance with the Building Code of Australia, Australian Standards and manufacturers.

All works to comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Part 5 General Commercial and Industrial Code

Subdivision 1 Building alterations (internal)

5.1 Specified complying development
Internal alterations to a building that is used as commercial premises.

5.2 Development standards—general

The proposal complies with the standards specified for that development under the SEPP as follows:

- (a) the current (last use) use of the premises as a restaurant is a lawful use, and
- (b) the current use of the premises is not be an existing use within the meaning of section 106 of the Act, and
- (c) the alteration does not result in an increase in the gross floor area of the building within which it is carried out, and
- (d) the alteration does not involve the conversion of any area that is excluded from the measurement of gross floor area of the building (such as a basement, plant room, car parking space, loading space or void), and
- (e) the alteration does not involve a loading dock,
- (f) the alteration does not relate to the cooking of food at the premises by barbecue or charcoal methods, and
- (g) the alteration involves food and drink premises, and is to be carried out in accordance with AS 4674—2004, Design, construction and fit out of food premises.

5.3 Development standards—Building Code of Australia matters

The following standards specified for that development under the SEPP are to be complied with as relevant:

- (a) if a building that is being altered is subject to an alternative solution relating to a fire safety requirement, the alteration must be consistent with that alternative solution NOTE: NOT APPLICABLE
 - (b) if the alteration involves an area of more than 500m² bulky goods premises or commercial premises, or an area of more than 1000m² of premises used for light industry or a warehouse or distribution centre, that area must:
 - (i) comply with the requirements set out in DP2-DP6 of Volume 1 of the Building Code of Australia, and
 - (ii) comply with the number of sanitary and other facilities set out in FP2.1, FP2.5 and FP2.6 of Volume 1 of the Building Code of Australia, and
 - (iii) comply with the light and ventilation requirements set out in FP4.1-FP4.5 of Volume 1 of the Building Code of Australia.
 - (c) if the building is a mixed use development that also contains a class 2, 3 or 4 portion, the altered area must be separated from the class 2, 3 or 4 portion by building elements that comply with the fire resistance performance requirements set out in CP2 and CP8 of Volume 1 of the Building Code of Australia.
- NOTE: NOT APPLICABLE

Subdivision 4 Shop front and awning alterations

5.9 Specified complying development
An external alteration to an existing shop front that is used as commercial premises.

5.10 Development standards

- The following standards specified for that development under the SEPP are complied with:
- (a) the development does not result in an increase in the gross floor area of the building, and
 - (b) the development does not reduce the area of the window or other clear glass of the shop front, and
 - (c) the development does not reduce the building level of the shop front, such as by using obscure glazing, and
 - (d) the development does not reduce the existing level of the shop front, such as by using obscure glazing, and

This plan is a part of the certification for part of the certification for

J1 30 343

11 JUL 2013

design: STUDIO ML

m: 0423 324 855
e: mlb@studio-ml.com.au
w: www.studioml.com.au

residential : mdf - unit dwellings : alterations & additions : commercial : planning

PROJECT
1 Waratah Street, Mona Vale

TITLE
Proposed Alterations Ground Floor

Revision
A

DATE
June 2013

DWG No.
CDC01

KEY			
cp	chrome plate	gt	gas top
cr	cash register	gw	glass wash
ct	deep fry	lm	ice machine
dw	dishwasher	ot	ice machine
ex	life ext.	s	sink
fr	2 door freezer	t	table
fw	floor waste		
tl	3 door fridge		
tl	2 door fridge		
g	grill		

- Dimensions in millimeters.
- Court 'm all dimensions on site prior to commencing work.
- Use 'figured dimensions only.
- Do not scale.
- This drawing is not a contract. It is not a contract.

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01 Site Plan
1:200@A3

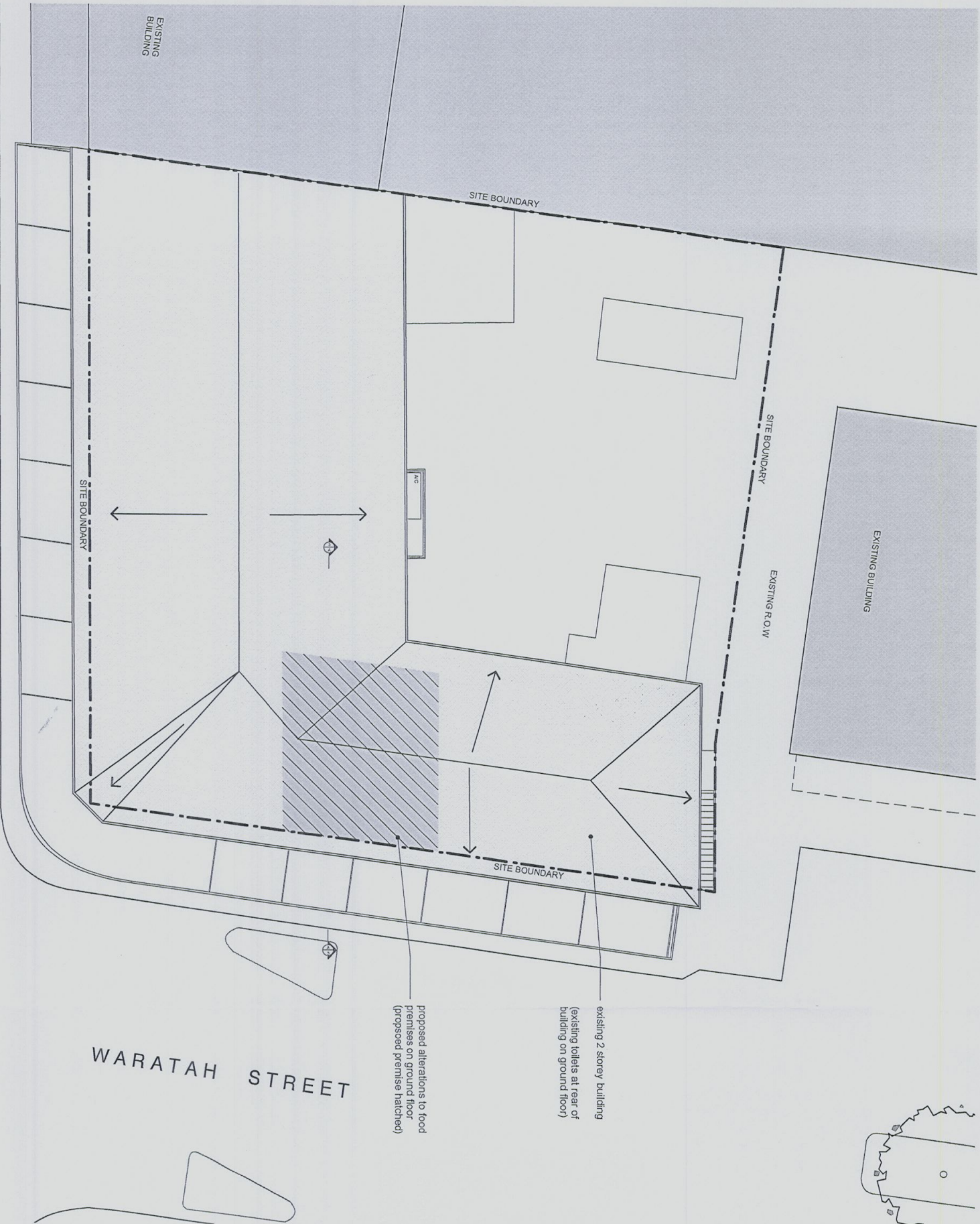
REV.NO
A

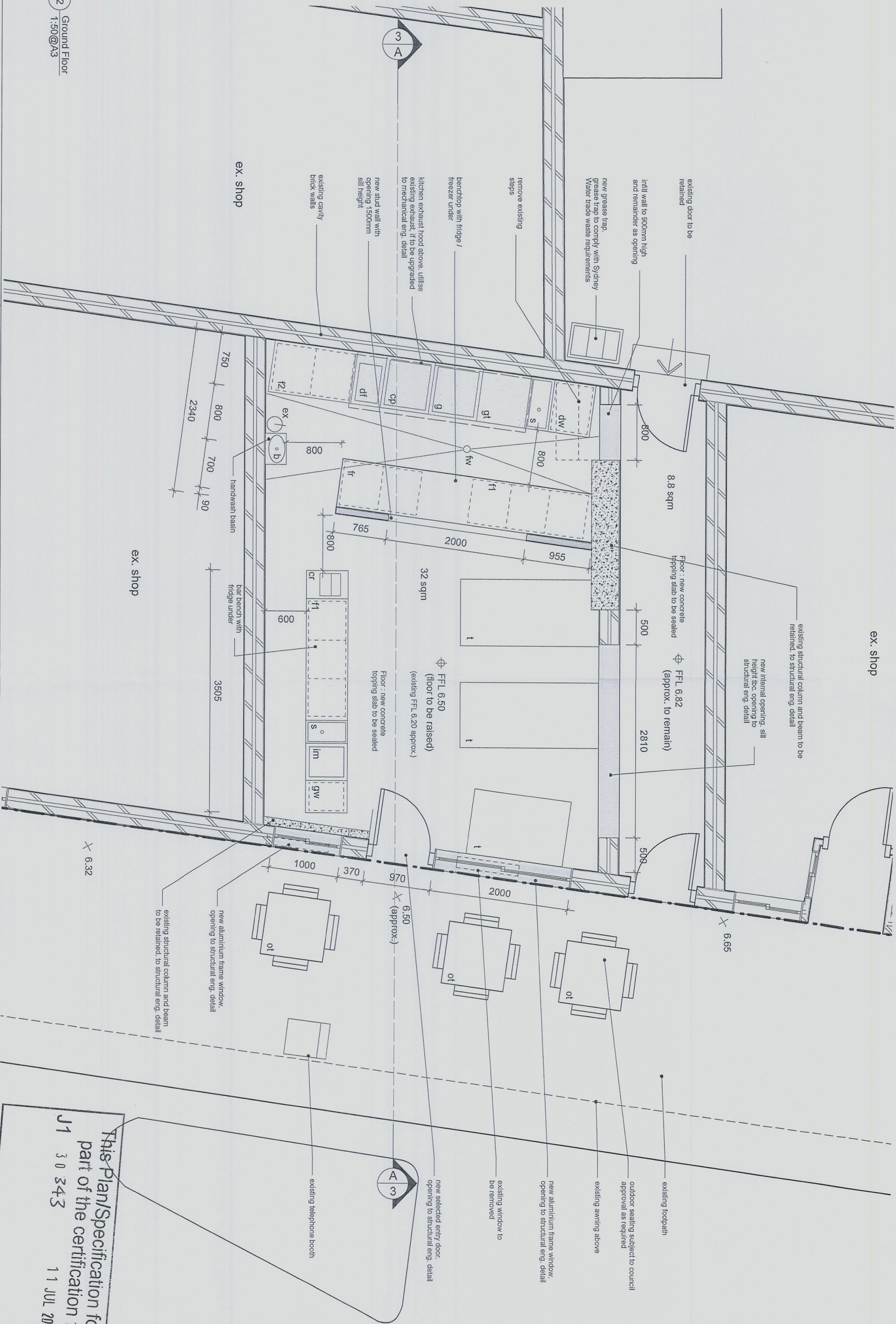
REVISION
Complying Development Certificate

DATE
June 2013

PITTWATER ROAD

WARATAH STREET





KEY		REV/NO		REVISION		DATE		PROJECT		TITLE		Revision		DATE		DWG No.	
cp	chrome plate	gt	gas top					mr : 0403 324 686		design : STUDIO ML				SCALE	1:50@A3	JOB	1378
cr	cast register	gw	glass wash					e : richard@studio.com.au				B		DATE	June 2013	CDC02	
df	deep fry	im	ice machine					w : www.studio.com.au									
dw	dishwasher	ot	outdoor table					residential : mtd - unit dwellings : alterations & additions : commercial : planning									
ex	fire ext.	s	sink														
fr	2 door freezer	t	table														
fw	floor waste																
fr	3 door fridge																
tz	2 door fridge																
g	grill																

02 Ground Floor
1:50@A3

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- Dimensions in millimeters.
- Confirm all dimensions on site prior to commencing work.
- Use metric dimensions only.
- Do not scale.
- If discrepancy exists notify designer.
- If in doubt ask.