



COMPLYING DEVELOPMENT REPORT No APP-0000604694

Issue Date: 11/11/2013

Address	21 Montpelier Place MANLY NSW 2095 Australia
Title Reference	Lot:21 DP:1105469
Zone	R2

*If your land is located within a Local Government Area which has not adopted a Standard Instrument Local Environmental Plan (LEP), the Zone information provided in this report will be based on "equivalent zone" information from the NSW Department of Planning and Infrastructure. Please refer to Disclaimer at the end of this report for more details.**

This report has been issued by the Electronic Housing Code and reports that if the development type(s) nominated below are constructed in accordance with the applicable development standards, upon the land to which the report relates, then the development is Complying Development pursuant to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, subject to the disclaimers endorsed within this report.

It is the applicant's responsibility to investigate whether any of the criteria listed within the disclaimers apply. If so, the development is not Complying Development and your local council should be contacted to determine whether the development is permitted and or the nature of any approvals required.

DEVELOPMENT DETAILS	
No development details.	

COMPLYING DEVELOPMENT TYPE	DEVELOPMENT STANDARDS
Internal alterations	<p>3.36B (1) This clause applies:</p> <p>(a) to all development specified for this code that is to be carried out on a lot that is wholly or partly bush fire prone land (other than development that is the erection of non-habitable ancillary development that is more than 10m from any dwelling house, landscaping, a non-combustible fence or a swimming pool), and</p> <p>(b) in addition to all other development standards specified for this code.</p> <p>(2) The development may be carried out on the lot only if:</p> <p>(a) the development conforms to the specifications and</p>

	<p>requirements of the following that are relevant to the development:</p> <ul style="list-style-type: none"> (i) Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by the NSW Rural Fire Service in December 2006, (ii) Addendum: Appendix 3 (ISBN 0 9751033 2 6, published by NSW Rural Fire Service in 2010) to Planning for Bush Fire Protection (ISBN 0 9751033 2 6), (iii) if another document is prescribed by the regulations for the purposes of section 79BA of the Environmental Planning and Assessment Act 1979—that document, and <ul style="list-style-type: none"> (b) the part of the lot on which the development is to be carried out is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ), and (c) the lot has direct access to a public road or a road vested in or maintained by the council, and (d) a reticulated water supply is connected to the lot, and (e) a fire hydrant is located less than 60 metres from the location on the lot of the proposed development, and (f) mains electricity is connected to the lot, and (g) reticulated or bottled gas on the lot is installed and maintained in accordance with AS/NZS 1596:2008, The storage and handling of LP Gas and the requirements of relevant authorities (metal piping must be used), and (h) any gas cylinders on the lot that are within 10m of a dwelling house: <ul style="list-style-type: none"> (i) have the release valves directed away from the dwelling house, and (ii) are enclosed on the hazard side of the installation, and (iii) have metal connections to and from the cylinders, and (i) there are no polymer sheathed flexible gas supply lines to gas meters adjacent to the dwelling. Note. The requirements of AS 3959—2009, Construction of buildings in bushfire-prone areas set out in the Building Code of Australia also apply. <p>(3) A standard specified in subclause (2)</p> <ul style="list-style-type: none"> (b) is satisfied if one of the following certifies that the development is not in bush fire attack level-40 (BAL-40) or the flame zone (BAL-FZ): <ul style="list-style-type: none"> (a) until 25 February 2012—the NSW Rural Fire Service, or (b) a person who is recognised by the NSW Rural Fire Service as a suitably qualified consultant in bush fire risk assessment, or (c) the council. <p>Note. More information about the categories of bush fire attack, including the flame zone, can be found in Table A3.4.2 of Addendum: Appendix 3 (ISBN 0 9751033 2 6 and published by NSW Rural Fire Service in 2010) to the publication titled Planning for Bush Fire Protection (ISBN 0 9751033 2 6) published by NSW Rural Fire Service in 2006.</p>
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	<p>4.1 Internal alterations to an existing dwelling or existing ancillary development that is associated with a dwelling, other than development that is the erection or conversion of a basement to an existing dwelling, is development specified for this code.</p> <p>Note. See the entry for minor building alterations (internal) in the General Exempt Development Code.</p> <p>4.2 The standards specified for that development are that the development:</p> <ul style="list-style-type: none"> (a) must not result in a change of classification of the building under the Act or the Building Code of Australia, and (b) must not result in any additional separate dwelling, and (c) if it relates to a building on land in the Sydney region, as declared under section 4 (6) of the Act, or in the local government area of Newcastle or Wollongong - must be to a building, other than a dwelling house, that was approved for subdivision under the Strata Schemes (Freehold Development) Act 1973 or has an occupation certificate issued after 28 January 2000. <p>4.3 The following development is specified for this code:</p> <ul style="list-style-type: none"> (a) if the development is on land that is not within a heritage conservation area or a draft heritage conservation area—external alterations to an existing dwelling house, (b) if the development is on land that is within a heritage conservation area or a draft heritage conservation area—external alterations to that part of the dwelling house that is a single storey, (c) external alterations to existing ancillary development that is associated with a dwelling house. <p>4.5 An attic conversion in respect of a dwelling house that existed at the commencement of this clause is development specified for this code.</p> <p>7.1 (1) The demolition or removal of the following development, is development specified for this code:</p> <ul style="list-style-type: none"> (a) a dwelling, (b) ancillary development, (b1) a swimming pool, (c) an industrial building, (d) a commercial building that would be complying development under the General Commercial and Industrial Code if it were being constructed. <p>(2) If development specified under subclause (1) is within a heritage conservation area or a draft heritage conservation area, the development may only relate to:</p> <ul style="list-style-type: none"> (a) an outbuilding that may be constructed under clause 3.36A or 3A.36, or (b) an alteration under clause 4.1, or (c) an external alteration that may be constructed under clause 4.3 (b) or (c), or (d) an attic conversion that may be constructed under clause 4.5.
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	<p>7.2 (1) The standards specified for that development are that:</p> <ul style="list-style-type: none"> (a) the development must be carried out in accordance with AS 2601—2001, The demolition of structures, and (b) run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by: <ul style="list-style-type: none"> (i) diverting uncontaminated run-off around cleared or disturbed areas, and (ii) erecting a silt fence to prevent debris escaping into drainage systems and waterways, and (iii) preventing tracking of sediment by vehicles onto roads, and (iv) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot, and (c) any essential service must be disconnected from the structure being demolished or removed in accordance with the requirements of the relevant authority, and (d) the structure being demolished or removed must not be relocated on the same lot or to a different lot, unless it meets the relevant development standards specified in Part 3 or Part 3A, and (e) the development must, if it is the demolition or removal of an existing attached dwelling or a semi-detached dwelling, not be carried out within the front 6m of the dwelling or forward of the roof ridge line. <p>(2) Despite any other development standard of this code, if the development involves the demolition or removal of a wall to a boundary that has a wall less than 0.9m from the boundary, the wall must be demolished or removed in accordance with the method of maintaining support proposed by the professional engineer's report provided with the application for the complying development certificate.</p> <p>(3) If the demolition or removal referred to in subclause (2) results in the exposure of a common wall, the common wall must, at the completion of the development, be weatherproofed.</p> <p>(4) If a swimming pool is removed:</p> <ul style="list-style-type: none"> (a) the site of the swimming pool must be filled (if necessary) so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and (b) the fill must be compacted, and (c) any piping or similar material must be removed from the site before the site is filled.
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DISCLAIMER

*Some Role Model Councils have not exhibited and adopted a Standard Instrument Local Environmental Plan (LEP). In circumstances where a Council has not yet adopted a Standard Instrument LEP, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that complying development can be carried out on an "equivalent zone".

If your land is located within a Local Government Area which has not adopted a Standard Instrument LEP, the Zone information provided in this report will be based on "equivalent zone" information from the NSW Department of Planning and Infrastructure, and is not necessarily the land's actual current zoning under the environmental planning instrument applicable to your land. Therefore, if your land is located within a Local Government Area which has not adopted a Standard Instrument LEP, the Zone information provided in this report should not be relied upon as an indication of the actual zoning under the environmental planning instrument applicable to your land.

If in doubt as to whether your local council has exhibited or adopted a Standard Instrument LEP, or to find out the actual zoning of your land, please contact your local Council for further information. No responsibility is accepted for any inconsistency with the adopted zoning if a Standard Instrument LEP applicable to your land is subsequently made, or for any reliance on Zone information provided in this report contrary to this disclaimer.

WITHOUT LIMITATION, THE DEVELOPMENT IS NOT COMPLYING DEVELOPMENT IF ANY OF THE FOLLOWING APPLY:

Land covered by the following planning instruments is excluded by the SEPP from being Complying development:

- (a) *State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007*,
- (b) *State Environmental Planning Policy (Western Sydney Parklands) 2009*,
- (c) Land that is within 18km of the land owned by the Australian National University at Siding Springs.

Land on which exempt development and complying development may not be carried out

General land exemptions

(1) To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.

(1B) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

(1C) Subclause (1B) ceases to have effect on 30 November 2015 in relation to land in the local government area of Mosman identified on any map specified in Schedule 5.

(2) The general land exemptions set out in clause 1.17A of the Codes SEPP and subclauses (3) and (4) apply to complying development specified for the following codes:

- (a) the General Housing Code,
- (b) the Rural Housing Code,
- (c) the Housing Alterations Code,
- (d) the General Development Code,
- (e) the General Commercial and Industrial Code,
- (f) the Subdivisions Code,
- (g) the Demolition Code.

(3) To be complying development, the development must not be carried out on land that comprises, or on which there is, a draft heritage item.

(4) If only a part of a lot is land to which this clause applies, complying development must not be carried out on any part of that lot.

(5) Despite subclause (4), if land is part of a lot to which the Rural Housing Code applies, complying development may be carried out on the part of the lot to which this clause does not apply.

Specific land exemptions for General Housing Code and Rural Housing Code

(6) To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool; or
- (b) land that is reserved for a public purpose in an environmental planning instrument; or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2; or
- (d) land that is subject to a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* or a property vegetation plan under the *Native Vegetation Act 2003*; or
- (e) excluded land identified by an environmental planning instrument; or
- (f) land in a foreshore area; or
- (g) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house; or
- (h) unsewered land:
 - (i) to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies; or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument; or

- (i) land that is declared to be a special area under the Sydney Water Catchment Management Act 1998.

Specific land exemptions for Housing Alterations Code and General Development Code

(7) To be complying development specified for the Housing Alterations Code and General Development Code, the development must not be carried out on unsewered land:

- (a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies; or
(b) in any other drinking water catchment identified in any other environmental planning instrument.

To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) be 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 the Department of Environment, Climate Change and Water as referred to in section 79B (3) of the Act; Or:
(b) be on land that is critical habitat; or
(c) be on land that is, or is part of, a wilderness area (within the meaning of the Wilderness Act 1987); or
(d) be on land that comprises, or on which there is, an item of environmental heritage:
(i) that is subject to an interim heritage order under the Heritage Act 1977, or that is listed on the State Heritage Register under that Act; or
(ii) that is identified as such an item in an environmental planning instrument.

To be complying development the development must:

- (a) not be exempt development under the Codes SEPP; and
(b) be permissible, with consent, in the land use zone in which it is carried out; and
(c) meet the relevant provisions of the Building Code of Australia, and
(d) before the complying development certificate is issued, have an approval, if required by the Local Government Act 1993, for:
(i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
(ii) an on-site stormwater drainage system, and
(e) before the complying development certificate is issued, have written consent from the relevant roads authority, if required by the Roads Act 1993:
(i) for each opening of a public road required by the development, and
(ii) to operate or store machinery, materials or waste required by the development on a road or footpath reserve, and
(f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961, have the prior approval of the Mine Subsidence Board, and
Note. Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the Act.
(g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1—Siding Spring applies; and

- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A or 3A.7 does not apply, before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the Native Vegetation Act 2003. Paragraph (h) may not apply to certain trees or vegetation near complying development under Part 3 (see clauses 3.6A and 3A.7).

(2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021—2000, *Acoustics—Aircraft noise intrusion—Building siting and construction*.

(3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note. Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

OTHER MATTERS

The outcome of this report is based on information entered by the applicant. Inaccurate information entered into the system may therefore lead to inaccuracies in the report produced. It is the applicant's responsibility to ensure that accurate information is entered. If in doubt, applicants should seek independent advice as to the accuracy of the required information.

Further investigations and additional approvals may be required as to the condition of the land, including without limitation, the location of any services such as gas pipes, electrical and telecommunication cables, water pipes, drains and sewers.

DEFINITIONS

Environmentally sensitive area means any of the following:

- (a) the coastal waters of the State,
(b) a coastal lake,

- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land to which Part 11 of that Act applies,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Excluded land identified by an environmental planning instrument means:

- (a) land identified by an environmental planning instrument as being any of the following:
 - (i) within a buffer area,
 - (ii) within a river front area,
 - (iii) within an ecologically sensitive area,
 - (iv) environmentally sensitive land,
 - (v) within a protected area, or
- (b) land identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being a coastal erosion hazard.

