



New South Wales

# **State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports**

under the

**Environmental Planning and Assessment Act 1979**

His Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Urban Affairs and Planning.

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 2 August 2000.

## 2000 No 426

State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

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## State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

### Part 1 Preliminary

#### 1 What is the name of this Policy?

This Policy is *State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports*.

#### 2 What are the aims of this Policy?

The aims of this Policy are:

- (a) to provide for exempt development and complying development on the land to which this Policy applies:
  - (i) by identifying the development of minimal environmental impact that is to be exempt development (and that, consequently, may be carried out without the need for development consent), and
  - (ii) by identifying the development that is to be complying development, and
  - (iii) by specifying the conditions to which complying development certificates are subject, and
- (b) to provide that development comprising the subdivision of land, the erection of a building or demolition on the land to which this Policy applies, to the extent to which it does not already require development consent under another environmental planning instrument in order to be carried out, cannot be carried out except with development consent.

#### 3 Definitions and notes

- (1) In this Policy:

*gross floor area* has the same meaning as in the *Environmental Planning and Assessment Model Provisions 1980*.

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Clause 3 State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

Part 1 Preliminary

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**ground level** means the ground level existing on the commencement of this Policy.

**height** of a building means the distance between ground level and the uppermost point of the building.

**Master Plan** means a Master Plan adopted by the Minister under *Sydney Regional Environmental Plan No 26—City West* which applies to the land to which this Policy applies.

**Note.** Copies of the Master Plan, including any variations to it, are available from the Sydney Region Central Office of the Department of Urban Affairs and Planning, Ground Floor, Frankel House, 26–32 Pyrmont Bridge Road, Pyrmont, NSW, 2009.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the map** means the map marked “State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports”.

**the Minister** means the Minister for Urban Affairs and Planning.

- (2) The table of contents and notes included in this Policy are explanatory notes and do not form part of this Policy.

#### 4 Where does this Policy apply?

This Policy applies to the land shown edged heavy black on the map.

#### 5 How this Policy affects other environmental planning instruments

- (1) This Policy amends *State Environmental Planning Policy No 4—Development Without Consent*, *State Environmental Planning Policy No 60—Exempt and Complying Development* and *Sydney Regional Environmental Plan No 26—City West* as set out in Schedule 4.
- (2) This Policy prevails over any other environmental planning instrument made before or after this Policy to the extent of any inconsistency:
- (a) except:
- (i) *State Environmental Planning Policy No 11—Traffic Generating Developments*, and
  - (ii) *State Environmental Planning Policy No 33—Hazardous and Offensive Development*, and
  - (iii) *State Environmental Planning Policy No 55—Remediation of Land*, and

- (iv) *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries, and*
- (v) *Sydney Regional Environmental Plan No 26—City West, and*
- (b) except as otherwise expressly provided by:
  - (i) this Policy, or
  - (ii) any other environmental planning instrument that commences after the day on which this Policy commences.

## **6 Consent authority**

The consent authority for development under this Policy is the Minister.

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Part 2 Exempt development

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## Part 2 Exempt development

### 7 What this Part does

This Part identifies the development and the requirements that must be met in respect of it for the development to be carried out without development consent as exempt development.

**Note.** The Act states that exempt development:

- must be of minimal environmental impact, and
- cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
- cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).

### 8 What development is exempt development

- (1) Development specified in Schedule 1 that meets the standards for the development contained in that Schedule and that complies with the requirements of this clause is exempt development for the purposes of this Policy.
- (2) To be exempt development:
  - (a) the development must:
    - (i) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
    - (ii) meet any relevant development standards, and
    - (iii) be more than 1 metre from any easement or public sewer main, and
    - (iv) if it relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9, the building must have a current fire safety certificate or fire safety statement or the building must be a building for which no fire safety measures are currently implemented, required or proposed, and
  - (b) the development must not:
    - (i) if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, or
    - (ii) create interference with the neighbourhood because it is noisy, causes vibrations, creates smells, fumes, smoke, vapour, steam, soot, ash, dust, waste water, grit or oil, or

- (iii) involve disturbance to a depth of more than 600 mm below ground level, or
  - (iv) be designated development.
- (3) Exempt development cannot be carried out on:
- (a) the site of an item of the environmental heritage that:
    - (i) is identified as such in an environmental planning instrument applying to the land, or
    - (ii) is listed on the State Heritage Register under the *Heritage Act 1977*, or
    - (iii) is subject to an interim heritage order under the *Heritage Act 1977*, or
  - (b) land within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land, or
  - (c) land identified:
    - (i) by the consent authority on a map held in the consent authority's offices, or
    - (ii) in an environmental planning instrument, or
    - (iii) in a development control plan,as an environmentally sensitive area for exempt development.

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Clause 9 State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

Part 3 Complying development

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### Part 3 Complying development

#### 9 What this Part does

This Part identifies the development that may be carried out as complying development, the requirements that must be met for a complying development certificate to be issued in respect of it and the conditions to which the complying development certificate will be subject.

**Note.** The Act states that development cannot be complying development if:

- it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- there is an item of the environmental heritage on the land that is subject to an order or listing under the *Heritage Act 1977* or an environmental planning instrument, or
- the development is designated development, or
- the development is State significant development, or
- the development requires concurrence, except a concurrence of the Director-General of National Parks and Wildlife in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*).

#### 10 What development is complying development

- (1) Development specified in Schedule 2 that is carried out in compliance with the development standards listed in that Schedule in respect of the development and that complies with the requirements of this clause is complying development for the purposes of this Policy.
- (2) To be complying development, the development must:
  - (a) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
  - (b) meet any relevant Australian Standards, and
  - (c) be more than 1 metre from any easement or public sewer main, or comply with any requirements specified by the appropriate sewer authority for building over sewers, and
  - (d) have an approval (if required by the *Local Government Act 1993*) from the council for an on-site effluent disposal system if the development is undertaken on unsewered land.



- (3) Complying development cannot be carried out on:
- (a) land within a heritage conservation area that is identified as such in an environmental planning instrument applying to the land, or
  - (b) a site that has at any time previously been used:
    - (i) as a service station or for the bulk storage of fuel, or
    - (ii) for waste storage or waste treatment, or
    - (iii) for the manufacture of chemicals, asbestos, or asbestos products, or
  - (c) land identified:
    - (i) by the consent authority on a map held in the consent authority's offices, or
    - (ii) in an environmental planning instrument, or
    - (iii) in a development control plan,as an environmentally sensitive area for complying development, or
  - (d) land identified as Class 1–4 on acid sulphate soils planning maps prepared pursuant to a Master Plan and for which there is no provision in an environmental planning instrument applying to the land that requires an acid sulphate soils management plan to be prepared, except where the proposed development will not result in disturbance to a depth of more than 650 mm below ground level.

#### 11 Conditions of complying development certificates

A complying development certificate issued in respect of land to which this Policy applies is subject to the conditions listed in Schedule 3.

## **2000 No 426**

Clause 12            State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Part 4                Subdivision, building and demolition controls

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## **Part 4 Subdivision, building and demolition controls**

### **12 What this Part does**

This Part extends the requirement that development comprising the subdivision of land, the erection of a building or the demolition of a building or work can be carried out only with development consent.

### **13 Subdivision of land**

- (1) A person may subdivide land to which this Policy applies only with development consent.
- (2) This clause applies if the subdivision of land:
  - (a) does not require development consent to be granted under another environmental planning instrument, and
  - (b) is not prohibited by another environmental planning instrument, and
  - (c) is not identified in any environmental planning instrument (including this Policy) as exempt development.
- (3) This clause does not apply to the subdivision of land that, in the opinion of Sydney Ports Corporation, is required to be subdivided in order to facilitate port operations.

### **14 Erection of a building or demolition of a building or work**

- (1) A person may erect a building on land to which this Policy applies only with development consent.
- (2) A person may demolish a building or work on land to which this Policy applies only with development consent.
- (3) This clause applies if the development:
  - (a) does not require development consent to be granted under any other environmental planning instrument, and
  - (b) is not prohibited by another environmental planning instrument, and

- (c) is not identified in any environmental planning instrument (including this Policy) as exempt development, and
- (d) does not involve Crown building work as defined by section 115M of the Act.

## **2000 No 426**

Clause 15            State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Part 5                General

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### **Part 5 General**

#### **15 Suspension of certain laws**

- (1) For the purpose of enabling development to be carried out in accordance with this Policy, clause 29 of the *Environmental Planning and Assessment (Savings and Transitional) Regulation 1998*, to the extent necessary to serve that purpose, does not apply to the development.
- (2) In accordance with section 28 of the Act, before the making of this Policy, the Governor approved the making of this clause on the prior concurrence in writing of the Minister.

#### **16 Development physically commenced before amendment of SEPP 4**

If development permitted under *State Environmental Planning Policy No 4—Development Without Consent* was physically commenced on land before the amendment of that Policy by this Policy, the development may be carried out as if that Policy had not been so amended.

## Schedule 1 Exempt development

(Clause 8)

Type of development	Development requirements
<p><b>1 Ancillary development</b></p> <p>Development that is incidental or ancillary to a purpose for which the land may be used, being landscaping, car parking, or paving</p>	<ul style="list-style-type: none"> <li>(a) Landscaping must comply with the landscape guidelines prepared as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning</li> <li>(b) Surface water must be directed to Sydney Ports drainage system</li> </ul>
<p><b>2 Building alterations</b></p>	<ul style="list-style-type: none"> <li>(a) Non-structural alterations to the exterior of a building, such as painting, plastering, cement rendering, cladding, attaching fittings and decorative work, and</li> <li>(b) Interior alterations to a building that do not affect the load-bearing capacity of any load-bearing component of the building</li> <li>(c) Any work involving the removal of asbestos, asbestos cement or lead paint must comply with any requirements of WorkCover Authority New South Wales</li> <li>(d) Must comply with <i>Code of Practice for the Safe Removal of Asbestos</i> [NOHSC:2002 (1988)] contained in the Worksafe Australia Code <i>Asbestos</i> prepared by the National Occupational Health and Safety Commission</li> <li>(e) All lead and asbestos contaminated material must be disposed of in accordance with the NSW Environment Protection Authority requirements.</li> </ul>

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### State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

Schedule 1 Exempt development

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#### **Type of development**

#### **Development requirements**

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### **3 Demolition**

Sheds, kiosks, garages, roof structures, internal walls and ceilings, partitions, stairs, ducts, fencing, flagpoles, advertising structures (unless part of a heritage structure) and any other development which is exempt development under this Policy

- (a) Maximum gross floor area of 500 square metres (sheds, kiosks and garages only)
- (b) Between the hours of 7.00am–5.30pm (Mon–Fri), 7.00am–1.00pm Saturday excluding Sundays and public holidays
- (c) Must comply with *Australian Standard 2601–1991: The demolition of structures*
- (d) Any work involving the removal of asbestos, asbestos cement or lead paint must comply with any requirements of WorkCover Authority New South Wales
- (e) Must comply with *Code of Practice for the Safe Removal of Asbestos* [NOHSC:2002 (1988)] contained in the Worksafe Australia Code *Asbestos* prepared by the National Occupational Health and Safety Commission
- (f) All lead and asbestos contaminated material must be disposed of in accordance with the NSW Environment Protection Authority requirements.

### **4 Fences**

Erection of fences and gates including security boom gates

- (a) Maximum height of 3 metres
- (b) Must be constructed from cyclone fencing with 3 strands of barbed wire

### **5 Erection of Flagpoles**

- (a) Maximum height of 30 metres
- (b) Maximum of 1 on each leased area
- (c) Maximum of one flag per flag pole
- (d) Must be structurally adequate
- (e) Must be installed to manufacturers specifications
- (f) Must not be located within 20 metres of residential boundary
- (g) Must not project over a public road or place
- (h) Must not display advertising material

Type of development	Development requirements
<b>6 Signage and displays</b>	
Erection of directional and safety signage associated with the Port	<ul style="list-style-type: none"> <li>(a) Maximum area of 10 square metres</li> <li>(b) If above a roadway must be a minimum of 5.5m above ground level</li> <li>(c) Must conform with the colour scheme guidelines prepared as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning</li> <li>(d) Safety signs must comply with <i>Australian Standard 1319–1994: Safety signs for the occupational environment</i></li> <li>(e) Must not be internally illuminated</li> </ul>
Erection of business identification signs being: <ul style="list-style-type: none"> <li>• Flush wall signs, or</li> <li>• Painted wall signs</li> </ul>	<ul style="list-style-type: none"> <li>(a) Maximum area of 20 square metres</li> <li>(b) Maximum of one sign of either type per business</li> <li>(c) Must not be visible from any adjoining waterway</li> <li>(d) Content must relate to the business of the lessee</li> <li>(e) Maximum height 10 metres except where the Master Plan provides for a lower maximum height</li> <li>(f) A flush wall sign must: <ul style="list-style-type: none"> <li>• not project more than 0.3 metres out from the wall</li> <li>• not extend vertically above or laterally beyond the wall to which it is attached</li> </ul> </li> <li>(g) Must be non-illuminated</li> </ul>
Erection of public notice displayed by a public authority	<ul style="list-style-type: none"> <li>(a) Must be non-illuminated</li> <li>(b) Must comply with Guidelines for signs prepared as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning</li> </ul>
Change of message to an existing sign	<ul style="list-style-type: none"> <li>(a) Must not change the area, form or shape of the sign</li> <li>(b) The existing sign must have lawful approval/development consent</li> <li>(c) No part of the message or advertisement is to extend above or beyond the existing sign</li> </ul>

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### State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

Schedule 1 Exempt development

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<b>Type of development</b>	<b>Development requirements</b>
<b>7 Structures</b>	
Erection of sheds/buildings including switch rooms, rooms, security booths	(a) Maximum floor space area of 100 square metres (b) Must be a single storey only (c) Maximum height 8 metres except where the Master Plan provides for a lower maximum height (d) Free standing, and constructed from prefabricated, non reflective materials
Emergency services equipment including: <ul style="list-style-type: none"><li>• Replacement or augmentation of fire systems</li><li>• Pumphouses</li><li>• Fire water tanks</li></ul>	Must comply with deemed to comply provisions of Part E of the <i>Building Code of Australia</i>
Scaffolding	(a) Musts meet all requirements of the WorkCover Authority of New South Wales (b) Must comply with <i>Australian/New Zealand Standard 1576.1:1995–Scaffolding Part 1: General requirements</i> (c) Must be removed as soon as practicable after completion of use (d) Removal must not compromise public health and safety
Erection of awnings/canopies for weather protection	(a) Maximum area of 100 square metres (b) Maximum height of 3 metres
<b>8 Erection of hail netting</b>	
	(a) Maximum height of 12 metres except where the Master Plan specifies a lower maximum height for buildings and other structures (b) Must be dark green in colour (c) Must cover a maximum area of no more than 50% of any leased area (d) The supporting structure and tie down requirements must be designed by a practising structural engineer and constructed in accordance with the design
<b>9 Access</b>	
(a) Disabled access	(a) Must comply with <i>Australian Standard 1428.1–1998: Design for access and mobility Part 1: General requirements for access—New building work</i> (b) Maximum grade of ramps must be 1:14

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State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Exempt development

Schedule 1

<b>Type of development</b>	<b>Development requirements</b>
(b) Non-mechanical stairways, ramps, pathways	Must comply with deemed to comply provisions of Part D of the <i>Building Code of Australia</i>
<b>10 Utilities/Services</b>	
Installation and modification of utilities and service facilities including pipelines excluding telecommunications facilities	<ul style="list-style-type: none"> <li>(a) Maximum diameter of pipes—300mm</li> <li>(b) Maximum height of 3 metres</li> <li>(c) Must obtain all necessary approvals from public utilities prior to commencing work</li> </ul>
<b>11 Landscaping and open space</b>	
	Must comply with the landscape guidelines prepared as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning
<b>12 Lighting</b>	
Erection of lightpoles and fittings	<ul style="list-style-type: none"> <li>(a) Maximum height of 35 metres</li> <li>(b) Must comply with <i>Australian Standard 1798–1992: Lighting poles and bracket arms—Preferred dimensions</i></li> <li>(c) Must comply with <i>Australian Standard 4282–1997: Control of the obtrusive effects of outdoor lighting</i></li> <li>(d) Light spill and reflection must be contained within each lease area</li> </ul>

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Development for White Bay and Glebe Island Ports

Schedule 2 Complying development

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## Schedule 2 Complying development

(Clause 10)

Type of development	Development requirements
<b>1 Building alterations and additions</b>	
Additions/modification of existing buildings, being office buildings, sheds, garages and kiosks	<ul style="list-style-type: none"><li>(a) Must not increase the gross floor area by more than 25% or 500 square metres, whichever is the smaller</li><li>(b) Maximum height (including alteration/modification) is 12 metres, except where the Master Plan provides for a lower maximum height level</li><li>(c) Limited to one addition per building</li></ul>
<b>2 Amenities</b>	
Canteen/kiosk facilities, showers, toilets	<ul style="list-style-type: none"><li>(a) Maximum gross floor area of 500 square metres</li><li>(b) Maximum height of 12 metres, except where the Master Plan specifies a lower maximum height</li><li>(c) All food preparation areas must be constructed in accordance with <i>The National Code for the Construction and Fitout of Food Premises</i> published by the Australian Institute of Environmental Health</li></ul>
<b>3 Demolition</b>	
Sheds, kiosks, garages, roof structures, internal walls and ceilings, partitions, stairs, ducts, fencing, flagpoles and any other development which is complying development under this Policy.	Maximum gross floor area of 2000 square metres (sheds, kiosks, garages only)
<b>4 Fences</b>	
Fences and gates including security boom gates	<ul style="list-style-type: none"><li>(a) Maximum height of 5 metres</li><li>(b) Must comply with fencing standards prepared as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning</li></ul>

State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Complying development

Schedule 2

Type of development	Development requirements
<b>5 Signage and displays</b>	
Directional and safety signage associated with the Port	<ul style="list-style-type: none"> <li>(a) Maximum area of 25 square metres</li> <li>(b) Clearance to a roadway must be a minimum height of 5.5 metres above ground level</li> <li>(c) Safety signs must comply with <i>Australian Standard 1319-1994: Safety signs for the occupational environment</i></li> <li>(d) Must not be internally-illuminated</li> <li>(e) Must comply with colour standards prepares as a variation to the Master Plan, as approved from time to time by the Director-General of the Department of Urban Affairs and Planning</li> </ul>
Business identification sign: <ul style="list-style-type: none"> <li>• Flush wall sign</li> <li>• Painted wall sign</li> </ul>	<ul style="list-style-type: none"> <li>(a) Maximum area of 25 square metres</li> <li>(b) Maximum height 10 metres</li> <li>(c) Maximum of one sign of either type per business</li> <li>(d) Must not be visible from adjoining waterway</li> <li>(e) Content must relate to the business of the lessee</li> <li>(f) A flush wall sign must: <ul style="list-style-type: none"> <li>• not project horizontally more than 0.3 metres out from the wall</li> <li>• not extend vertically above or below the wall to which it is attached or laterally</li> </ul> </li> <li>(g) Must be non-illuminated</li> </ul>

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### State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

#### Schedule 2 Complying development

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Type of development	Development requirements
<b>6 Structures</b>	
Retaining walls (except seawalls)	<ul style="list-style-type: none"><li>(a) Maximum height of 3 metres</li><li>(b) Masonry walls must comply with <i>Australian Standard 3700–1998: Masonry structures</i></li><li>(c) Concrete Structures must comply with <i>Australian Standard 1170.1–1989: SAA Loading Code Part 1: Dead and live loads and load combinations</i> and <i>Australian Standard 3600–1994: Concrete structures</i></li><li>(d) Timber structures must comply with <i>Australian Standard 1720: Timber structures, Parts 1, 2 and 4</i></li><li>(e) If wall is more than 1 metre in height, a structural engineer must certify:<ul style="list-style-type: none"><li>(i) design, and</li><li>(ii) construction is in accordance with design, and</li><li>(iii) structural adequacy</li></ul></li></ul>
<b>7 Storage</b>	
Erection of storage tanks including: <ul style="list-style-type: none"><li>• LPG Installations</li><li>• Diesel Storage</li><li>• Firewater Tanks</li></ul>	<ul style="list-style-type: none"><li>(a) LPG Installations:<ul style="list-style-type: none"><li>• Maximum total storage capacity of 3 tonnes per business</li><li>• Must comply with all requirements of WorkCover Authority New South Wales and comply with the <i>Dangerous Goods Code</i></li></ul></li><li>(b) Diesel Storage:<ul style="list-style-type: none"><li>• Maximum total storage capacity of 50,000 litres per business</li><li>• Must comply all requirements of WorkCover Authority New South Wales and comply with the <i>Dangerous Goods Code</i></li></ul></li><li>(c) Firewater Tanks:<ul style="list-style-type: none"><li>• Maximum total storage capacity of 1500 tonnes per business</li><li>• Must comply with all requirements of WorkCover Authority New South Wales</li></ul></li></ul>
<b>8 Internal private roads</b>	
Marking out of internal roads (not involving the construction of new internal roads or new access to public roads)	<ul style="list-style-type: none"><li>(a) Maximum width of 15 metres</li><li>(b) Maximum length of 1000 metres</li><li>(c) Must not connect to a public road</li><li>(d) Must be sealed</li></ul>

State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Complying development

Schedule 2

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<b>Type of development</b>	<b>Development requirements</b>
<b>9 Utilities/services</b>	
Erection of satellite dishes and telecommunications equipment	(a) Maximum height of 12 metres (b) Maximum diameter of 3 metres (c) Maximum of one satellite dish per lease area (d) Must be constructed of non-reflective material

## 2000 No 426

State Environmental Planning Policy No 61—Exempt and Complying  
Development for White Bay and Glebe Island Ports

Schedule 3 Conditions of complying development certificates

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### Schedule 3 Conditions of complying development certificates

(Clause 11)

#### Before you begin work

- (1) Two days before any site works, building or demolition begins, the applicant must:
  - (a) forward a *Notice of Commencement of Work and Appointment of Principal Certifying Authority* (Form 7 of the *Environmental Planning and Assessment Regulation 1994*) to the council, and
  - (b) inform the adjoining owners in writing that work will commence.
- (2) Before any site works, building or demolition begins, the applicant must:
  - (a) notify the council of the name, address, phone number and licence number of the builder, and
  - (b) as to signs:
    - (i) 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
    - (ii) in respect of development involving either the erection of a building which is not occupied at all times or demolition of a building, the sign should also state that unauthorised entry to the site is prohibited, the name of the person in charge of the work site and an after hours telephone number at which that person may be contacted, and
    - (iii) remove the signs referred to in subparagraphs (i) and (ii) at the completion of work, and
  - (c) provide a temporary on-site toilet if access to existing toilets is not adequate, and

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- (d) protect and support any neighbouring buildings and land, and
  - (e) protect any public land or place from obstruction, inconvenience or damage due to the carrying out of the development, and
  - (f) prevent any substance from falling onto any public land or place, and
  - (g) pay any section 94 contributions if required by a contributions plan applying to the land, and
  - (h) comply with any other conditions prescribed by the *Environmental Planning and Assessment Regulation 1994*.

**Note.** This item does not impose a requirement on an applicant if it is complied with by the builder.

#### **Site management**

- (3) Run-off and erosion controls must be implemented before construction to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - (a) divert uncontaminated run-off around cleared or disturbed areas,
  - (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
  - (c) prevent tracking of sediment by vehicles onto roads,
  - (d) stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
- (4) Suitable screens and/or barricades must be erected prior to any works involving demolition, excavation or building work to control dust emission from the site.

#### **Building alterations and additions**

- (5) Unless tested by a person with suitable experience and expertise and shown to be otherwise, buildings constructed before 1970 are assumed:
  - (a) to have accumulated hazardous amounts of fine lead dust in ceiling and wall cavities, and

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### State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports

#### Schedule 3 Conditions of complying development certificates

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- (b) to contain components and surfaces coated with lead paint.

Appropriate measures to minimise hazards and contamination from lead are to be implemented.

- (6) Waste, including all lead and asbestos contaminated material, must be disposed of in accordance with the requirements of the NSW Environment Protection Authority.
- (7) Following removal of any friable asbestos located on site, a certificate from a suitably qualified person must be provided to the principal certifying authority certifying that no such asbestos remains on site. A copy of the certificate must be forwarded to Sydney Ports Corporation, the Department of Urban Affairs and Planning and the council before further alterations or any additions are commenced.

#### **Demolition**

- (8) Any demolition works authorised by the certificate are to be carried out in accordance with *Australian Standard 2601–1991: The demolition of structures*. Building materials should be recycled where possible.
- (9) Unless tested by a person with suitable experience and expertise and shown to be otherwise, buildings constructed before 1970 are assumed:
  - (a) to have accumulated hazardous amounts of fine lead dust in ceiling and wall cavities, and
  - (b) to contain components and surfaces coated with lead paint.

Appropriate measures to minimise hazards and contamination from lead are to be implemented.

- (10) Waste, including all lead and asbestos contaminated material, must be disposed of in accordance with the requirements of the NSW Environment Protection Authority.
- (11) Following removal of any friable asbestos located on site, a certificate from a suitably qualified person must be provided to the principal certifying authority certifying that no such



asbestos remains on site. A copy of the certificate must be forwarded to Sydney Ports Corporation, the Department of Urban Affairs and Planning and the council before demolition work is commenced.

**Drainage**

- (12) Stormwater drainage lines must incorporate sediment traps and all new major stormwater lines must be provided with gross pollutant traps.

**Hours of works**

- (13) Any building work must be carried out between 7.00 am and 6.00 pm Monday to Friday and 7.00 am to 5.00 pm Saturdays, but not on Sundays or public holidays.

**Survey certificate**

- (14) A survey certificate must be given to the principal certifying authority, at the following stages:
- (a) before the concrete is poured for the ground floor slab or before the sub-floor formwork is completed, showing the location of the structure to the boundaries,
  - (b) at completion of the lowest floor, confirming that levels are in accordance with the certificate (and those levels must relate to the datum on the certificate).

**Certificate of compliance**

- (15) Before a building is occupied, a certificate of compliance, if required, must be obtained from the local water supply and sewer authority.

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Development for White Bay and Glebe Island Ports

Schedule 4 Amendment of other environmental planning instruments

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**Schedule 4 Amendment of other environmental  
planning instruments**

(Clause 5 (1))

**4.1 State Environmental Planning Policy No 4—Development Without  
Consent**

**Schedule 2 Land exempted from clauses 6–10**

Insert at the end of Schedule 2:

Land to which *State Environmental Planning Policy No  
61—Exempt and Complying Development for White Bay and  
Glebe Island Ports* applies

**4.2 State Environmental Planning Policy No 60—Exempt and  
Complying Development**

**Schedule 1 Where does this Policy apply?**

Insert “(but not the land to which *State Environmental Planning Policy No  
61—Exempt and Complying Development for White Bay and Glebe Island  
Ports* applies)” after “apply” in paragraph (3) of Part 1 of Schedule 1.

**4.3 Sydney Regional Environmental Plan No 26—City West**

**[1] Clause 13 General requirement for development consent**

Insert at the end of clause 13:

- (2) Nothing in this clause prevents exempt development or  
complying development from being carried out in accordance  
with *State Environmental Planning Policy No 61—Exempt and  
Complying Development for White Bay and Glebe Island Ports*  
on land to which that Policy applies.

State Environmental Planning Policy No 61—Exempt and Complying  
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Amendment of other environmental planning instruments

Schedule 4

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**[2] Schedule 3 Development not requiring consent**

Insert at the end of the Schedule:

The development specified in this Schedule does not include development to which *State Environmental Planning Policy No 61—Exempt and Complying Development for White Bay and Glebe Island Ports* applies.